DOCUMENT RESUME

ED 054 803 LI 003 078

TITLE Copyright Law of the United States of America.

INSTITUTION Library of Congress, Washington, D.C. Copyright Office.

PUB DATE 69

NOTE 86p.;(20 References); Revised to July 1, 1969

AVAILABLE FROM Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.45)

EDRS PRICE MF-$0.65 HC-$3.29

DESCRIPTORS *Copyrights; *Federal Laws; *Federal Legislation; *International Organizations; *Standards

ABSTRACT

The contents of this publication of the United States copyright law include: (1) prefatory note; (2) Constitutional provision respecting copyright; (3) Copyright Law of the United States of America (Title 17, United States Code); (4) schedule of laws reported by Act of July 30, 1947 and (5) parallel reference tables showing disposition of sections of Act of March 4, 1909, as amended, in Title 17, United States Code. The appendix contains: (1) four acts extending the duration of copyright protection; (2) pertinent sections of Title 28, United States Code; (3) rules adopted by the Supreme Court of the United States for practice and procedure; (4) copyright in territories and insular possessions of the United States; (5) international copyright relations; (6) text of the Universal Copyright convention; (7) regulations of the Copyright Office, Title 37, chapter II, Code of Federal Regulations; (8) index and (9) list of application forms for registration of claims to copyright. (Author/NH)

Copyright Office Application Forms

The Copyright Office has prepared forms for use in applying for the registration of claims to copyright in works included in classes (a) through (m) which are found in section 5 of the copyright law (Title 17, United States Code) appearing on pages 4 and 5 of this bulletin. These application forms, listed below, are supplied free upon request. State the form for which you have a need and address your communication to: Register of Copyrights, Library of Congress, Washington, D.C. 20540.

Class A Form A—Published book manufactured in the United States of America.

Class A or B
- Form A–B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
- Form A–B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.

Class B
- Form B—Periodical manufactured in the United States of America.
- Form BB—Contribution to a periodical manufactured in the United States of America.

Class C Form C—Lecture or similar production prepared for oral delivery.

Class D Form D—Dramatic or dramatico-musical composition.

Class E
- Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
- Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.

Class F Form F—Map.

Class G Form G—Work of art or a model or design for a work of art.

Class H Form H—Reproduction of a work of art.

Class I Form I—Drawing or plastic work of a scientific or technical character.

Class J Form J—Photograph.

Class K
- Form K—Print or pictorial illustration.
- Form KK—Print or label used for an article of merchandise.

Class L or M
- Form L–M—Motion picture.

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

ED054803

Copyright Law

OF THE

UNITED STATES OF AMERICA

Bulletin No. 14

(Revised to July 1, 1969)

COPYRIGHT OFFICE

LI 003 078

LIBRARY OF CONGRESS
Washington, D.C. 20540
1969

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price 45 cents

Prefatory Note

The Copyright Law of the United States printed herein is Title 17 of the United States Code, as codified and enacted into positive law by the Act of July 30, 1947 (61 Stat. 652) and amended by the Act of April 27, 1948 (62 Stat. 202), effective thirty days after its enactment; the Act of June 25, 1948 (62 Stat. 869), effective September 1, 1948; the Act of June 3, 1949 (63 Stat. 153); the Act of October 31, 1951 (65 Stat. 710); the Act of July 17, 1952 (66 Stat. 752), effective January 1, 1953; the Act of April 13, 1954 (68 Stat. 52); and the Act of August 31, 1954 (68 Stat. 1030), which became effective upon the coming into force of the Universal Copyright Convention on September 16, 1955. The Copyright Law was further amended by the Act of March 29, 1956 (70 Stat. 63); by the Act of September 7, 1957 (71 Stat. 633), effective one year after the date of enactment; by the Act of September 7, 1962 (76 Stat. 442), effective November 1, 1962; and by the Act of October 27, 1965 (79 Stat. 1072), effective thirty days after its enactment. In addition, there were four acts extending the duration of copyright protection in certain cases: the Act of September 19, 1962 (76 Stat. 555); the Act of August 28, 1965 (79 Stat. 581); the Act of November 16, 1967 (81 Stat. 464); and the Act of July 23, 1968 (82 Stat. 397). The basic Act was that of March 4, 1909, as amended. The substance of that Act is contained in the Act of July 30, 1947, with changes in form and in the arrangement and numbering of the sections. Parallel reference tables showing disposition of sections of the Act of March 4, 1909, as amended, in Title 17, United States Code, are on page 29.

ED034803

L. C. card 12–35200

Contents

	Page
Prefatory note	II
Constitutional provision respecting copyright	IV
Copyright Law of the United States of America (Title 17, United States Code)	1
Schedule of laws repealed by Act of July 30, 1947	27
Parallel reference tables showing disposition of sections of Act of March 4, 1909, as amended, in Title 17, United States Code	29

Appendix:

Four acts extending the duration of copyright protection	31
Pertinent sections of Title 28, United States Code	33
Rules adopted by the Supreme Court of the United States for practice and procedure	36
Copyright in territories and insular possessions of the United States	40
International copyright relations:	
Berne Conventions	42
Bilateral arrangements	42
Buenos Aires Convention	42
Universal Copyright Convention: effective date; application to territories	42
Text of the Universal Copyright Convention	43
Regulations of the Copyright Office, Title 37, chapter II, Code of Federal Regulations	56
Index	73
List of application forms for registration of claims to copyright	Inside front cover

The Constitutional Provision Respecting Copyright

The Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries. (U.S. Const. Art. I, § 8)

Copyright Law

OF THE UNITED STATES OF AMERICA

United States Code

Title 17—Copyrights [1]

Chap.		Sec.
1.	Registration of copyright	1
2.	Infringement proceedings	101
3.	Copyright Office	201

CHAPTER 1—Registration of Copyrights

§ 1. Exclusive rights as to copyrighted works.
§ 2. Rights of author or proprietor of unpublished work.
§ 3. Protection of component parts of work copyrighted; composite works or periodicals.
§ 4. All writings of author included.
§ 5. Classification of works for registration.
§ 6. Registration of prints and labels.
§ 7. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected.
§ 8. Copyright not to subsist in works in public domain, or published prior to July 1, 1909, and not already copyrighted, or Government publications; publication by Government of copyrighted material.
§ 9. Authors or proprietors, entitled; aliens.
§ 10. Publication of work with notice.
§ 11. Registration of claim and issuance of certificate.
§ 12. Works not reproduced for sale.

---

[1] Act of July 30, 1947 (61 Stat. 652). The enacting clause provides that Title 17 of the United States Code entitled "Copyrights" is codified and enacted into positive law and may be cited as "Title 17, U. S. C. § —". The Act of April 27, 1948 (62 Stat. 202) amended sections 211 and 215. The Act of June 25, 1948 (62 Stat. 869) repealed sections 101 (f), 102, 103, 110 and 111; however, see sections 1338, 1400, 1498 (b, c) and 2072 (Title 28, United States Code) appearing on pages 33–35 of this bulletin and the Federal Rules of Civil Procedure. The Act of June 3, 1949 (63 Stat. 153) amended sections 16, 22, 23 and 215 as well as section 22 of the analysis of chapter 1. The Act of October 31, 1951 (65 Stat. 710) amended sections 3, 8, 112 and 114, and struck out the items of the analysis of chapter 2 relating to the repealed sections. The Act of July 17, 1952 (66 Stat. 752) amended section 1 (c). The Act of April 13, 1954 (68 Stat. 52) added section 216 and amended the analysis of chapter 3. The Act of August 31, 1954 (68 Stat. 1030) amended sections 9, 16 and 19. The Act of March 29, 1956 (70 Stat. 63) amended section 13. The Act of September 7, 1957 (71 Stat. 633) amended section 115. The Act of September 7, 1962 (76 Stat. 442) amended the first paragraph of section 8. The Acts of September 19, 1962 (76 Stat. 555), August 28, 1965 (79 Stat. 581), November 16, 1967 (81 Stat. 464), and July 23, 1968 (82 Stat. 397) extended the duration of copyright protection in certain cases under section 24. The Act of October 27, 1965 (79 Stat. 1072) amended sections 211 and 215.

§ 13. Deposit of copies after publication; action or proceeding for infringement.
§ 14. Same; failure to deposit; demand; penalty.
§ 15. Same; postmaster's receipt; transmission by mail without cost.
§ 16. Mechanical work to be done in United States.
§ 17. Affidavit to accompany copies.
§ 18. Making false affidavit.
§ 19. Notice; form.
§ 20. Same; place of application of; one notice in each volume or number of newspaper or periodical.
§ 21. Same; effect of accidental omission from copy or copies.
§ 22. Ad interim protection of book or periodical published abroad.
§ 23. Same; extension to full term.
§ 24. Duration; renewal and extension.
§ 25. Renewal of copyrights registered in Patent Office under repealed law.
§ 26. Terms defined.
§ 27. Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright.
§ 28. Assignments and bequests.
§ 29. Same; executed in foreign country; acknowledgment and certificate.
§ 30. Same; record.
§ 31. Same; certificate of record.
§ 32. Same; use of name of assignee in notice.

§ 1. EXCLUSIVE RIGHTS AS TO COPYRIGHTED WORKS.—Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work;

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) [1] To deliver, authorize the delivery of, read, or present the copyrighted work in public for profit if it be a lecture, sermon, address or similar production, or other nondramatic literary work; to make or procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, delivered, presented, produced, or reproduced; and to play or perform it in public for profit, and to exhibit, represent, produce, or reproduce it in any manner or by any method whatsoever. The damages for the infringement by broadcast of any work referred to in this subsection shall not exceed the sum of $100 where the infringing broadcaster shows

[1] Section 1 (c) as amended by the Act of July 17, 1952 (66 Stat. 752), effective January 1, 1953.

that he was not aware that he was infringing and that such infringement could not have been reasonably foreseen; and

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever; and

(e) To perform the copyrighted work publicly for profit if it be a musical composition; and for the purpose of public performance for profit, and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided,* That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights. And as a condition of extending the copyright control to such mechanical reproductions, that whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of 2 cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the 20th day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the 20th of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit. It shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of in-

struments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand, the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this title, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

§ 2. RIGHTS OF AUTHOR OR PROPRIETOR OF UNPUBLISHED WORK.—Nothing in this title shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

§ 3. PROTECTION OF COMPONENT PARTS OF WORK COPYRIGHTED; COMPOSITE WORKS OR PERIODICALS.—The copyright provided by this title shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this title.

§ 4. ALL WRITINGS OF AUTHOR INCLUDED.—The works for which copyright may be secured under this title shall include all the writings of an author.

§ 5. CLASSIFICATION OF WORKS FOR REGISTRATION.—The application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations.

(b) Periodicals, including newspapers.

(c) Lectures, sermons, addresses (prepared for oral delivery).

(d) Dramatic or dramatico-musical compositions.

(e) Musical compositions.

(f) Maps.

(g) Works of art; models or designs for works of art.

(h) Reproductions of a work of art.

(i) Drawings or plastic works of a scientific or technical character.

(j) Photographs.

(k) Prints and pictorial illustrations including prints or labels used for articles of merchandise.

(l) Motion-picture photoplays.

(m) Motion pictures other than photoplays.

The above specifications shall not be held to limit the subject matter of copyright as defined in section 4 of this title, nor shall any error in classification invalidate or impair the copyright protection secured under this title.

§ 6. REGISTRATION OF PRINTS AND LABELS.—Commencing July 1, 1940, the Register of Copyrights is charged with the registration of claims to copyright properly presented, in all prints and labels published in connection with the sale or advertisement of articles of merchandise, including all claims to copyright in prints and labels pending in the Patent Office and uncleared at the close of business June 30, 1940. There shall be paid for registering a claim of copyright in any such print or label not a trade-mark $6, which sum shall cover the expense of furnishing a certificate of such registration, under the seal of the Copyright Office, to the claimant of copyright.

§ 7. COPYRIGHT ON COMPILATIONS OF WORKS IN PUBLIC DOMAIN OR OF COPYRIGHTED WORKS; SUBSISTING COPYRIGHTS NOT AFFECTED.—Compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this title; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

§ 8. COPYRIGHT NOT TO SUBSIST IN WORKS IN PUBLIC DOMAIN, OR PUBLISHED PRIOR TO JULY 1, 1909, AND NOT ALREADY COPYRIGHTED, OR GOVERNMENT PUBLICATIONS; PUBLICATION BY GOVERNMENT OF COPYRIGHTED MATERIAL.[1]—No copyright shall subsist in

[1] Section 8 as amended by the Act of September 7, 1962 (76 Stat. 442, at 446), effective November 1, 1962.

347-128 O—69——2

the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof, except that the Postmaster General may secure copyright on behalf of the United States in the whole or any part of the publications authorized by section 2506 of title 39.[1]

The publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.

§ 9. AUTHORS OR PROPRIETORS, ENTITLED: ALIENS.[2]—The author or proprietor of any work made the subject of copyright by this title, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this title: *Provided, however,* That the copyright secured by this title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only under the conditions described in subsections (a), (b), or (c) below:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require:

---

[1] A further exception was provided by a statute enacted in 1968 (82 Stat. 339, 340) amending Title 15 of the U.S. Code (15 U.S.C. 272), authorizing the Secretary of Commerce at § 290 (e) "to secure copyright and renewal thereof on behalf of the United States as author or proprietor in all or any part of any standard reference data which he prepares or makes available under this chapter, and may authorize the reproduction and publication thereof by others."

[2] Section 9 as amended by the Act of August 31, 1954 (68 Stat. 1030), effective upon the coming into force of the Universal Copyright Convention in the United States of America. (The Universal Copyright Convention came into force on September 16, 1955.)

Provided, That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of the United States, including works subject to ad interim copyright, are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further,* That no liability shall attach under this title for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require.

(c) When the Universal Copyright Convention, signed at Geneva on September 6, 1952, shall be in force [1] between the United States of America and the foreign state or nation of which such author is a citizen or subject, or in which the work was first published. Any work to which copyright is extended pursuant to this subsection shall be exempt from the following provisions of this title: (1) The requirement in section 1 (e) that a foreign state or nation must grant to United States citizens mechanical reproduction rights similar to those specified therein; (2) the obligatory deposit requirements of the first sentence of section 13; (3) the provisions of sections 14, 16, 17, and 18; (4) the import prohibitions of section 107, to the extent that they are related to the manufacturing requirements of section 16; and (5) the requirements of sections 19 and 20: *Provided, however,* That such exemptions shall apply only if from the time of first publication all the copies of the work published with the authority of the author or other copyright proprietor shall bear the symbol ©

[1] The Universal Copyright Convention came into force in the United States of America on September 16, 1955. For text, see pages 43–55, *infra.*

accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

Upon the coming into force of the Universal Copyright Convention in a foreign state or nation as hereinbefore provided, every book or periodical of a citizen or subject thereof in which ad interim copyright was subsisting on the effective date of said coming into force shall have copyright for twenty-eight years from the date of first publication abroad without the necessity of complying with the further formalities specified in section 23 of this title.

The provisions of this subsection shall not be extended to works of an author who is a citizen of, or domiciled in the United States of America regardless of place of first publication, or to works first published in the United States.

§ 10. PUBLICATION OF WORK WITH NOTICE.—Any person entitled thereto by this title may secure copyright for his work by publication thereof with the notice of copyright required by this title; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section 22 of this title.

§ 11. REGISTRATION OF CLAIM AND ISSUANCE OF CERTIFICATE.—Such person may obtain registration of his claim to copyright by complying with the provisions of this title, including the deposit of copies, and upon such compliance the Register of Copyrights shall issue to him the certificates provided for in section 209 of this title.

§ 12. WORKS NOT REPRODUCED FOR SALE.—Copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 13 and 14 of this title, where the work is later reproduced in copies for sale.

§ 13. DEPOSIT OF COPIES AFTER PUBLICATION; ACTION OR PROCEEDING FOR INFRINGEMENT.[1]—After copyright has been secured by publication of the work with the notice of copyright as provided in section 10 of this title, there shall be promptly deposited in the Copyright Office or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 16 of this title; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work belongs to a class specified in subsections (g), (h), (i) or (k) of section 5 of this title, and if the Register of Copyrights determines that it is impracticable to deposit copies because of their size, weight, fragility, or monetary value he may permit the deposit of photographs or other identifying reproductions in lieu of copies of the work as published under such rules and regulations as he may prescribe with the approval of the Librarian of Congress; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 12 of this title, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with.

§ 14. SAME; FAILURE TO DEPOSIT; DEMAND; PENALTY.—Should the copies called for by section 13 of this title not be promptly deposited as provided in this title, the Register of Copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of $100 and to

[1] Section 13 as amended by the Act of March 29, 1956 (70 Stat. 63).

pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

§ 15. SAME; POSTMASTER'S RECEIPT; TRANSMISSION BY MAIL WITHOUT COST.—The postmaster to whom are delivered the articles deposited as provided in sections 12 and 13 of this title shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

§ 16. MECHANICAL WORK TO BE DONE IN UNITED STATES.[1]—Of the printed book or periodical specified in section 5, subsections (a) and (b), of this title, except the original text of a book or periodical of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photoengraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photoengraving process, and also to separate lithographs or photoengravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however,* That said requirements shall not apply to works in raised characters for the use of the blind, or to books or periodicals of foreign origin in a language or languages other than English, or to works printed or produced in the United States by any other process than those above specified in this section, or to copies of books or periodicals, first published abroad in the English language, imported into the United States within five years after first publication in a foreign state or nation up to the number of fifteen hundred copies of each such book or periodical if said copies shall contain notice of copyright in accordance with sections 10, 19, and 20 of this title and if ad interim copyright in said work shall have been obtained pursuant to section 22 of this title prior to the importation into the United States of any copy except those permitted by the provisions of section 107 of this title: *Provided*

[1] Section 16 as amended by the Act of June 3, 1949 (63 Stat. 153); and by the Act of August 31, 1954 (68 Stat. 1030), effective upon the coming into force of the Universal Copyright Convention in the United States of America (i.e., September 16, 1955).

further, That the provisions of this section shall not affect the right of importation under the provisions of section 107 of this title.

§ 17. AFFIDAVIT TO ACCOMPANY COPIES.—In the case of the book the copies so deposited shall be accompanied by an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photoengraving process, that such process was wholly performed within the limits of the United States and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates made or lithographic process, or photoengraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication.

§ 18. MAKING FALSE AFFIDAVIT.—Any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited.

§ 19. NOTICE; FORM.[1]—The notice of copyright required by section 10 of this title shall consist either of the word "Copyright", the abbreviation "Copr.", or the symbol ©, accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C enclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall

[1] Section 19 as amended by the Act of August 31, 1954 (68 Stat. 1030), effective upon the coming into force of the Universal Copyright Convention in the United States of America (i.e., September 16, 1955).

appear. But in the case of works in which copyright was subsisting on July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist of the following words: "Entered according to Act of Congress, in the year by A. B., in the office of the Librarian of Congress, at Washington, D. C.," or, at his option, the word "Copyright", together with the year the copyright was entered and the name of the party by whom it was taken out; thus, "Copyright, 19—, by A. B."

§ 20. SAME; PLACE OF APPLICATION OF; ONE NOTICE IN EACH VOLUME OR NUMBER OF NEWSPAPER OR PERIODICAL.—The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music. One notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

§ 21. SAME; EFFECT OF ACCIDENTAL OMISSION FROM COPY OR COPIES.—Where the copyright proprietor has sought to comply with the provisions of this title with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

§ 22. AD INTERIM PROTECTION OF BOOK OR PERIODICAL PUBLISHED ABROAD.[1]—In the case of a book or periodical first published abroad in the English language, the deposit in the Copyright Office, not later than six months after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book or periodical, shall secure to the author or proprietor an ad interim copyright therein, which shall have all the force and effect given to copyright by this title, and shall endure until the expiration of five years after the date of first publication abroad.

---

[1] Section 22 as amended by the Act of June 3, 1949 (63 Stat. 153).

§ 23. SAME; EXTENSION TO FULL TERM.[1]—Whenever within the period of such ad interim protection an authorized edition of such books or periodicals shall be published within the United States, in accordance with the manufacturing provisions specified in section 16 of this title, and whenever the provisions of this title as to deposit of copies, registration, filing of affidavits, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book or periodical for the term provided in this title.

§ 24. DURATION; RENEWAL AND EXTENSION.[2]—The copyright secured by this title shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided,* That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further,* That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further,* That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

§ 25. RENEWAL OF COPYRIGHTS REGISTERED IN PATENT OFFICE

[1] Section 23 as amended by the Act of June 3, 1949 (63 Stat. 153).

[2] Four acts extending the duration of copyright protection in certain cases relate to section 24: the Act of September 19, 1962 (76 Stat. 555), the Act of August 28, 1965 (79 Stat. 581), the Act of November 16, 1967 (81 Stat. 464), and the Act of July 23, 1968 (82 Stat. 397). (See Appendix, pages 31–32.)

347–128 O—69——3

UNDER REPEALED LAW.—Subsisting copyrights originally registered in the Patent Office prior to July 1, 1940, under section 3 of the act of June 18, 1874, shall be subject to renewal in behalf of the proprietor upon application made to the Register of Copyrights within one year prior to the expiration of the original term of twenty-eight years.

§ 26. TERMS DEFINED.—In the interpretation and construction of this title "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire.

§ 27. COPYRIGHT DISTINCT FROM PROPERTY IN OBJECT COPYRIGHTED; EFFECT OF SALE OF OBJECT, AND OF ASSIGNMENT OF COPYRIGHT.—The copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this title shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

§ 28. ASSIGNMENTS AND BEQUESTS.—Copyright secured under this title or previous copyright laws of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

§ 29. SAME; EXECUTED IN FOREIGN COUNTRY; ACKNOWLEDGMENT AND CERTIFICATE.—Every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

§ 30. SAME; RECORD.—Every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

§ 31. SAME; CERTIFICATE OF RECORD.—The Register of Copy-

rights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this title he shall furnish to any person requesting the same a certified copy thereof under the said seal.

§ 32. SAME; USE OF NAME OF ASSIGNEE IN NOTICE.—When an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this title.

CHAPTER 2—Infringement Proceedings[1]

§ 101. Infringement:
(a) Injunction.
(b) Damages and profits; amounts; other remedies.
(c) Impounding during action.
(d) Destruction of infringing copies and plates.
(e) Royalties for use of mechanical reproduction of musical works.
§ 104. Willful infringement for profit.
§ 105. Fraudulent notice of copyright, or removal or alteration of notice.
§ 106. Importation of article bearing false notice or piratical copies of copyrighted work.
§ 107. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 16 of this title.
§ 108. Forfeiture and destruction of articles prohibited importation.
§ 109. Importation of prohibited articles; regulations; proof of deposit of copies by complainants.
§ 112. Injunctions; service and enforcement.
§ 113. Transmission of certified copies of papers for enforcement of injunction by other court.
§ 114. Review of orders, judgments, or decrees.
§ 115. Limitations.
§ 116. Costs; attorney's fees.

§ 101. INFRINGEMENT.—If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) INJUNCTION.—To an injunction restraining such infringement;

(b) DAMAGES AND PROFITS; AMOUNT; OTHER REMEDIES.—To

[1] Sections 101 (f), 102, 103, 110 and 111 were repealed by the Act of June 25, 1948 (62 Stat. 869, at 931, 936, 961 and 996), effective September 1, 1948. However, see sections 1338, 1400 and 2072, Title 28, United States Code, Appendix, pages 33–35, *infra*, and the Federal Rules of Civil Procedure, Appendix, pages 36–39, *infra*. Title 28 was amended by the Act of September 8, 1960 (74 Stat. 855), adding subsections (b) and (c) to section 1498, Appendix, *infra* at pages 33–34.

pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits, such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph, such damages shall not exceed the sum of $200 nor be less than the sum of $50, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of $100; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of $5,000 nor be less than $250, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

First. In the case of a painting, statue, or sculpture, $10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section 5 of this title, except a painting, statue, or sculpture, $1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, $50 for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for

every subsequent infringing performance; in the case of other musical compositions $10 for every infringing performance;

(c) IMPOUNDING DURING ACTION.—To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

(d) DESTRUCTION OF INFRINGING COPIES AND PLATES.—To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

(e) ROYALTIES FOR USE OF MECHANICAL REPRODUCTION OF MUSICAL WORKS.—Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e), of this title: *Provided also,* That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e) of this title, by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

[(f) See footnote 1, page 15, *supra.*]

[§ 102. See footnote 1, page 15, *supra.*]

[§ 103. See footnote 1, page 15, *supra.*]

§ 104. WILLFUL INFRINGEMENT FOR PROFIT.—Any person who willfully and for profit shall infringe any copyright secured by this title, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not ex-

ceeding one year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court: *Provided, however,* That nothing in this title shall be so construed as to prevent the performance of religious or secular works such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

§ 105. FRAUDULENT NOTICE OF COPYRIGHT, OR REMOVAL OR ALTERATION OF NOTICE.—Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this title, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than $100 and not more than $1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of $100.

§ 106. IMPORTATION OF ARTICLE BEARING FALSE NOTICE OR PIRATICAL COPIES OF COPYRIGHTED WORK.—The importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

§ 107. IMPORTATION, DURING EXISTENCE OF COPYRIGHT, OF PIRATICAL COPIES, OR OF COPIES NOT PRODUCED IN ACCORDANCE WITH SECTION 16 OF THIS TITLE.—During the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section 16 of this title, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photoengraving process not performed within the limits of the United States, in accordance with the provisions of section 16 of this title, is prohibited: *Provided, however,* That, except as regards piratical copies, such prohibition shall not apply:

(a) To works in raised characters for the use of the blind.

(b) To a foreign newspaper or magazine, although containing

matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization.

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country.

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States.

Second. When imported by the authority or for the use of the United States.

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith by or for any society or institution incorporated for educational, literary, philosophical, scientific or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States.

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided,* That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this title, and such unlawful use shall be deemed an infringement of copyright.

§ 108. FORFEITURE AND DESTRUCTION OF ARTICLES PROHIBITED IMPORTATION.—Any and all articles prohibited importation by this title which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however,* That all copies of authorized editions of copyright books

imported in the mails or otherwise in violation of the provisions of this title may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

§ 109. IMPORTATION OF PROHIBITED ARTICLES; REGULATIONS; PROOF OF DEPOSIT OF COPIES BY COMPLAINANTS.—The Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce individually or jointly such rules and regulations as shall prevent the importation into the United States of articles prohibited importation by this title, and may require, as conditions precedent to exclusion of any work in which copyright is claimed, the copyright proprietor or any person claiming actual or potential injury by reason of actual or contemplated importations of copies of such work to file with the Post Office Department or the Treasury Department a certificate of the Register of Copyrights that the provisions of section 13 of this title have been fully complied with, and to give notice of such compliance to postmasters or to customs officers at the ports of entry in the United States in such form and accompanied by such exhibits as may be deemed necessary for the practical and efficient administration and enforcement of the provisions of sections 106 and 107 of this title.

[§ 110. See footnote 1, page 15, *supra.*]

[§ 111. See footnote 1, page 15, *supra.*]

§ 112. INJUNCTIONS; SERVICE AND ENFORCEMENT.[1]—Any court mentioned in section 1338 of Title 28 or judge thereof shall have power, upon complaint filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by this title, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this title may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

§ 113. TRANSMISSION OF CERTIFIED COPIES OF PAPERS FOR ENFORCEMENT OF INJUNCTION BY OTHER COURT.—The clerk of the court or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunc-

[1] Section 112 as amended by the Act of October 31, 1951 (65 Stat. 710, at 716, 717).

tion, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

§ 114. REVIEW OF ORDERS, JUDGMENTS, OR DECREES.[1]—The orders, judgments, or decrees of any court mentioned in section 1338 of Title 28 arising under the copyright laws of the United States may be reviewed on appeal in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

§ 115. LIMITATIONS.[2]—(a) CRIMINAL PROCEEDINGS.—No criminal proceedings shall be maintained under the provisions of this title unless the same is commenced within three years after the cause of action arose.

(b) CIVIL ACTIONS.—No civil action shall be maintained under the provisions of this title unless the same is commenced within three years after the claim accrued.

§ 116. COSTS; ATTORNEY'S FEES.—In all actions, suits, or proceedings under this title, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

CHAPTER 3—Copyright Office

§ 201. Copyright office; preservation of records.
§ 202. Register, assistant register, and subordinates.
§ 203. Same; deposit of moneys received; reports.
§ 204. Same; bond.
§ 205. Same; annual report.
§ 206. Seal of copyright office.
§ 207. Rules for registration of claims.
§ 208. Record books in copyright office.
§ 209. Certificates of registration; effect as evidence; receipt for copies deposited.
§ 210. Catalogs of copyright entries; effect as evidence.
§ 211. Same; distribution and sale; disposal of proceeds.
§ 212. Records and works deposited in copyright office open to public inspection; taking copies of entries.
§ 213. Disposition of articles deposited in office.
§ 214. Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works.
§ 215. Fees.
§ 216. When the day for taking action falls on Saturday, Sunday, or a holiday.

§ 201. COPYRIGHT OFFICE; PRESERVATION OF RECORDS.—All rec-

[1] Section 114 as amended by the Act of October 31, 1951 (65 Stat. 710, at 716, 717).

[2] Section 115 as amended by the Act of September 7, 1957 (71 Stat. 633), effective one year after the date of enactment.

347-128 O—69——4

ords and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

§ 202. REGISTER, ASSISTANT REGISTER, AND SUBORDINATES.—There shall be appointed by the Librarian of Congress a Register of Copyrights, and one Assistant Register of Copyrights, who shall have authority during the absence of the Register of Copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

§ 203. SAME; DEPOSIT OF MONEYS RECEIVED; REPORTS.—The Register of Copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this title, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

§ 204. SAME; BOND.—The Register of Copyrights shall give bond to the United States in the sum of $20,000, in form to be approved by the General Counsel for the Department of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

§ 205. SAME; ANNUAL REPORT.—The Register of Copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this title.

§ 206. SEAL OF COPYRIGHT OFFICE.—The seal used in the copyright office on July 1, 1909, shall be the seal of the copyright office, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

§ 207. RULES FOR REGISTRATION OF CLAIMS.[1]—Subject to the approval of the Librarian of Congress, the Register of Copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this title.

§ 208. RECORD BOOKS IN COPYRIGHT OFFICE.—The Register of Copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this title, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this title he shall make entry thereof.

§ 209. CERTIFICATE OF REGISTRATION; EFFECT AS EVIDENCE; RECEIPT FOR COPIES DEPOSITED.—In the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section 17 of this title, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The Register of Copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after July 1, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

§ 210. CATALOG OF COPYRIGHT ENTRIES; EFFECT AS EVIDENCE.—The Register of Copyrights shall fully index all copyright regis-

[1] Published in the *Federal Register* and Title 37 of the *Code of Federal Regulations*. See Appendix, page 56, for the current regulations.

trations and assignments and shall print at periodic intervals a catalog of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalog for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalog cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalog of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

§ 211. SAME; DISTRIBUTION AND SALE; DISPOSAL OF PROCEEDS.[1] —The said printed current catalogs as they are issued shall be promptly distributed by the Superintendent of Documents to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised list of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the Register of Copyrights for each part of the catalog not exceeding $75 for the complete yearly catalog of copyright entries. The consolidated catalogs and indexes shall also be supplied to all persons ordering them at such prices as may be fixed by the Register of Copyrights, and all subscriptions for the catalogs shall be received by the Superintendent of Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

§ 212. RECORDS AND WORKS DEPOSITED IN COPYRIGHT OFFICE OPEN TO PUBLIC INSPECTION; TAKING COPIES OF ENTRIES.—The record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the Register of Copyrights and approved by the Librarian of Congress.

§ 213. DISPOSITION OF ARTICLES DEPOSITED IN OFFICE.—Of the articles deposited in the copyright office under the provisions of the copyright laws of the United States, the Librarian of Congress

---

[1] Section 211 as amended by the Act of April 27, 1948 (62 Stat. 202), effective thirty days after its enactment; and the Act of October 27, 1965 (79 Stat. 1072), effective thirty days after its enactment.

shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

§ 214. DESTRUCTION OF ARTICLES DEPOSITED IN OFFICE REMAINING UNDISPOSED OF; REMOVAL OF BY AUTHOR OR PROPRIETOR; MANUSCRIPTS OF UNPUBLISHED WORKS.—Of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the Register of Copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided,* That there shall be printed in the Catalog of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this title. No manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

§ 215. FEES.[1]—The Register of Copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees:

For the registration of a claim to copyright in any work, including a print or label used for articles of merchandise, $6; for the registration of a claim to renewal of copyright, $4; which fees shall include a certificate for each registration: *Provided,* That only one registration fee shall be required in the case of several volumes of the same book published and deposited at the same time: *And provided further,* That with respect to works of foreign origin, in lieu of payment of the copyright fee of $6 together with one copy of the work and application, the foreign author or proprietor may at any time within six months from the date of first publication abroad deposit in the Copyright Office an application for registration and two copies of the work which shall be

[1] Section 215 as amended by the Act of October 27, 1965 (79 Stat. 1072), effective thirty days after its enactment.

accompanied by a catalog card in form and content satisfactory to the Register of Copyrights.

For every additional certificate of registration, $2.

For certifying a copy of an application for registration of copyright, and for all other certifications, $3.

For recording every assignment, agreement, power of attorney or other paper not exceeding six pages, $5; for each additional page or less, 50 cents; for each title over one in the paper recorded, 50 cents additional.

For recording a notice of use, or notice of intention to use, $3, for each notice of not more than five titles; and 50 cents for each additional title.

For any requested search of Copyright Office records, works deposited, or other available material, or services rendered in connection therewith, $5, for each hour of time consumed.

§ 216. WHEN THE DAY FOR TAKING ACTION FALLS ON SATURDAY, SUNDAY, OR A HOLIDAY.[1]—When the last day for making any deposit or application, or for paying any fee, or for delivering any other material to the Copyright Office falls on Saturday, Sunday, or a holiday within the District of Columbia, such action may be taken on the next succeeding business day.

---

[1] Section 216 was added by the Act of April 13, 1954 (68 Stat. 52).

Schedule of Laws Repealed by Act of July 30, 1947

Section 2 of the Act of July 30, 1947 (61 Stat. 668) provides: "The following sections or parts thereof of the Revised Statutes and Statutes at Large covering provisions codified in this Act, insofar as such provisions appear in title 17, United States Code and supplements thereto, as shown by the appended table, are hereby repealed: *Provided,* That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal:

Revised Statutes and Statutes at Large

	Title 17, United States Code, section
Act Mar. 4, 1909, ch. 320, secs. 1, 64, 35 Stat. 1075, 1088	1
Act Mar. 4, 1909, ch. 320, sec. 2, 35 Stat. 1076	2
Act Mar. 4, 1909, ch. 320, sec. 3, 35 Stat. 1076	3
Act Mar. 4, 1909, ch. 320, sec. 4, 35 Stat. 1076	4
Acts Mar. 4, 1909, ch. 320, sec. 5, 35 Stat. 1076; Aug. 24, 1912, ch. 356, 37 Stat. 488; July 31, 1939, ch. 396, sec. 2, 53 Stat. 1142	5
Act Mar. 4, 1909, ch. 320, sec. 6, 35 Stat. 1077	6
Act Mar. 4, 1909, ch. 320, secs. 7, 64, 35 Stat. 1077, 1088	7
Acts Mar. 4, 1909, ch. 320, sec. 8, 35 Stat. 1077; Dec. 18, 1919, ch. 11, 41 Stat. 369; Sept. 25, 1941, ch. 421, 55 Stat. 732	8
Act Mar. 4, 1909, ch. 320, sec. 9, 35 Stat. 1077	9
Act Mar. 4, 1909, ch. 320, sec. 10, 35 Stat. 1078	10
Acts Mar. 4, 1909, ch. 320, sec. 11, 35 Stat. 1078; Aug. 24, 1912, ch. 356, 37 Stat. 488	11
Acts Mar. 4, 1909, ch. 320, sec. 12, 35 Stat. 1078; Mar. 28, 1914, ch. 47, sec. 1, 38 Stat. 311	12
Act Mar. 4, 1909, ch. 320, sec. 13, 35 Stat. 1078	13
Act Mar. 4, 1909, ch. 320, sec. 14, 35 Stat. 1078	14
Acts Mar. 4, 1909, ch. 320, sec. 15, 35 Stat. 1078; July 3, 1926, ch. 743, 44 Stat. 818	15
Act Mar. 4, 1909, ch. 320, sec. 16, 35 Stat. 1079	16
Act Mar. 4, 1909, ch. 320, sec. 17, 35 Stat. 1079	17
Acts June 18, 1874, ch. 301, sec. 1, 18 Stat. 78; Mar. 4, 1909, ch. 320, secs. 18, 64, 35 Stat. 1079, 1088	18
Act Mar. 4, 1909, ch. 320, sec. 19, 35 Stat. 1079	19
Act Mar. 4, 1909, ch. 320, sec. 20, 35 Stat. 1080	20
Acts Mar. 4, 1909, ch. 320, sec. 21, 35 Stat. 1080; Dec. 18, 1919, ch. 11, 41 Stat. 369	21
Act Mar. 4, 1909, ch. 320, sec. 22, 35 Stat. 1080	22
Acts Mar. 4, 1909, ch. 320, sec. 23, 35 Stat. 1080; Mar. 15, 1940, ch. 57, 54 Stat. 51	23
R. S., sec. 4953; Act Mar. 4, 1909, ch. 320, secs. 24, 64, 35 Stat. 1080, 1088	24
Acts Mar. 4, 1909, ch. 320, sec. 25, 35 Stat. 1081; Aug. 24, 1912, ch. 356, 37 Stat. 489	25
Act Mar. 4, 1909, ch. 320, sec. 26, 35 Stat. 1082	26

	Title 17, United States Code, section
Act Mar. 4, 1909, ch. 320, sec. 27, 35 Stat. 1082	27
Act Mar. 4, 1909, ch. 320, sec. 28, 35 Stat. 1082	28
Act Mar. 4, 1909, ch. 320, sec. 29, 35 Stat. 1082	29
Act Mar. 4, 1909, ch. 320, sec. 30, 35 Stat. 1082	30
Act Mar. 4, 1909, ch. 320, sec. 31, 35 Stat. 1082	31
Act Mar. 4, 1909, ch. 320, sec. 32, 35 Stat. 1083	32
Acts Mar. 4, 1909, ch. 320, sec. 33, 35 Stat. 1083; Apr. 11, 1940, ch. 81, 54 Stat. 106	33
Acts Mar. 4, 1909, ch. 320, sec. 34, 35 Stat. 1084; May 17, 1932, ch. 190, 47 Stat. 158; June 25, 1936, ch. 804, 49 Stat. 1921	34
Act Mar. 4, 1909, ch. 320, sec. 35, 35 Stat. 1084	35
Act Mar. 4, 1909, ch. 320, sec. 36, 35 Stat. 1084	36
Act Mar. 4, 1909, ch. 320, sec. 37, 35 Stat. 1084	37
Act Mar. 4, 1909, ch. 320, sec. 38, 35 Stat. 1084	38
Act Mar. 4, 1909, ch. 320, sec. 39, 35 Stat. 1084	39
Act Mar. 4, 1909, ch. 320, sec. 40, 35 Stat. 1084	40
Act Mar. 4, 1909, ch. 320, sec. 41, 35 Stat. 1084	41
Act Mar. 4, 1909, ch. 320, sec. 42, 35 Stat. 1084	42
Act Mar. 4, 1909, ch. 320, sec. 43, 35 Stat. 1084	43
Act Mar. 4, 1909, ch. 320, sec. 44, 35 Stat. 1084	44
Act Mar. 4, 1909, ch. 320, sec. 45, 35 Stat. 1085	45
Act Mar. 4, 1909, ch. 320, sec. 46, 35 Stat. 1085	46
Act Mar. 4, 1909, ch. 320, sec. 47, 35 Stat. 1085	47
Acts Mar. 4, 1909, ch. 320, sec. 48, 35 Stat. 1085; Mar. 4, 1923, ch. 265, sec. 1, 42 Stat. 1488	48
Act Mar. 4, 1909, ch. 320, sec. 49, 35 Stat. 1085	49
Act Mar. 4, 1909, ch. 320, sec. 50, 35 Stat. 1085	50
Act Mar. 4, 1909, ch. 320, sec. 51, 35 Stat. 1085	51
Act Mar. 4, 1909, ch. 320, sec. 52, 35 Stat. 1085	52
Act Mar. 4, 1909, ch. 320, sec. 53, 35 Stat. 1085	53
Act Mar. 4, 1909, ch. 320, sec. 54, 35 Stat. 1086	54
Acts Mar. 4, 1909, ch. 320, secs. 55, 64, 35 Stat. 1086, 1088; Mar. 2, 1913, ch. 97, 37 Stat. 724	55
Act Mar. 4, 1909, ch. 320, sec. 56, 35 Stat. 1086	56
Acts Mar. 4, 1909, ch. 320, sec. 57, 35 Stat. 1086; May 23, 1928, ch. 704, sec. 1, 45 Stat. 713	57
Act Mar. 4, 1909, ch. 320, sec. 58, 35 Stat. 1086	58
Act Mar. 4, 1909, ch. 320, sec. 59, 35 Stat. 1087	59
Act Mar. 4, 1909, ch. 320, sec. 60, 35 Stat. 1087	60
Acts Mar. 4, 1909, ch. 320, sec. 61, 35 Stat. 1087; May 23, 1928, ch. 704, sec. 1, 45 Stat. 714	61
Act Mar. 4, 1909, ch. 320, sec. 62, 35 Stat. 1087	62
Act July 31, 1939, ch. 396, sec. 3, 53 Stat. 1142	64
Act July 31, 1939, ch. 396, sec. 4, 53 Stat. 1142	65
Act June 27, 1938,[1] ch. 10, sec. 1 (last proviso) 52 Stat. 6	Title 39, U. S. C., sec. 371 (last proviso)"

[1] Corrected to "Jan. 27, 1938" by the Act of Oct. 31, 1951 (65 Stat. 710, at 716).

Parallel Reference Tables Showing Disposition of Sections of Act of March 4, 1909, as Amended, in Title 17, United States Code

Act of Mar. 4, 1909, as amended	Title 17 U. S. C.	Act of Mar. 4, 1909, as amended	Title 17 U. S. C.	Title 17 U. S. C.	Act of Mar. 4, 1909, as amended	Title 17 U. S. C.	Act of Mar. 4, 1909, as amended
1	1	33	109	1	1	[1]101	25
2	2	34	[1]110	2	2	[1]102	26
3	3	35	[1]111	3	3	[1]103	27
4	4	36	112	4	4	104	28
5	5	37	113	5	5	105	29
6	7	38	114	6	([2])	106	30
7	8	39	115	7	6	107	31
8	9	40	116	8	[3]7	108	32
9	10	41	27	9	8	109	33
10	11	42	28	10	9	[1]110	34
11	12	43	29	11	10	[1]111	35
12	13	44	30	12	11	112	36
13	14	45	31	13	12	113	37
14	15	46	32	14	13	114	38
15	16	47	201	15	14	115	39
16	17	48	202	16	15	116	40
17	18	49	203	17	16	201	47
18	19	50	204	18	17	202	48
19	20	51	205	19	18	203	49
20	21	52	206	20	19	204	50
21	22	53	207	21	20	205	51
22	23	54	208	22	21	206	52
23	24	55	209	23	22	207	53
24	Omitted	56	210	24	23	208	54
25	[1]101	57	211	25	([4])	209	55
26	[1]102	58	212	26	62	210	56
27	[1]103	59	213	27	41	211	57
28	104	60	214	28	42	212	58
29	105	61	215	29	43	213	59
30	106	62	26	30	44	214	60
31	107	63	Omitted	31	45	215	61
32	108	64	Omitted	32	46		

[1] Sections 101 (f), 102, 103, 110 and 111 were repealed by the Act of June 25, 1948 (62 Stat. 869).

[2] This was § 3 of Act of July 31, 1939 (53 Stat. 1142).

[3] A portion of § 1 of Act of Jan. 27, 1938 (52 Stat. 6) is also included.

[4] This was § 4 of the Act of July 31, 1939 (53 Stat. 1142).

347-128 O—69——5

APPENDIX

FOUR ACTS EXTENDING THE DURATION OF COPYRIGHT PROTECTION IN CERTAIN CASES

Public Law 87–668
87th Congress, H. J. Res. 627
September 19, 1962
76 STAT. 555.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution would expire prior to December 31, 1965, such term is hereby continued until December 31, 1965.

Approved September 19, 1962.

Public Law 89–142
89th Congress, H. J. Res. 431
August 28, 1965
79 STAT. 581.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, would expire prior to December 31, 1967, such term is hereby continued until December 31, 1967.

Approved August 28, 1965.

Public Law 90–141
90th Congress, S. J. Res. 114
November 16, 1967
81 STAT. 464.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, or by Public Law 89–142 (or by either or both of said laws), would expire prior to December 31, 1968, such term is hereby continued until December 31, 1968.

Approved November 16, 1967.

Public Law 90–416
90th Congress, S. J. Res. 172
July 23, 1968
82 STAT. 397.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, or by Public Law 90–141 (or by all or certain of said laws), would expire prior to December 31, 1969, such term is hereby continued until December 31, 1969.

Approved July 23, 1968.

Pertinent Sections of
Title 28, United States Code[1]

§ 1338. PATENTS, COPYRIGHTS, TRADE-MARKS, AND UNFAIR COMPETITION.

(a) The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, copyrights and trade-marks. Such jurisdiction shall be exclusive of the courts of the states in patent and copyright cases.

(b) The district courts shall have original jurisdiction of any civil action asserting a claim of unfair competition when joined with a substantial and related claim under the copyright, patent or trade-mark laws.

§ 1400. PATENTS AND COPYRIGHTS.

(a) Civil actions, suits, or proceedings arising under any Act of Congress relating to copyrights may be instituted in the district in which the defendant or his agent resides or may be found.

(b) Any civil action for patent infringement may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business.

§ 1498. PATENT AND COPYRIGHT CASES.

. . . .

(b) Hereafter, whenever the copyright in any work protected under the copyright laws of the United States shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm, or corporation acting for the Government and with the authorization or consent of the Government, the exclusive remedy of the owner of such copyright shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement, including the minimum statutory damages as set forth in section 101(b) of title 17, United States Code: *Provided,* That a

---

[1] Title 28 of the United States Code, entitled "Judiciary and Judicial Procedure" as revised, codified, and enacted into positive law by the Act of June 25, 1948 (62 Stat. 869), effective September 1, 1948. Section 1498 was amended by the Act of September 8, 1960 (74 Stat. 855). Section 2072 (page 34, *infra*) was amended by the Act of May 24, 1949 (63 Stat. 89, at 104), the Act of July 18, 1949 (63 Stat. 445), the Act of May 10, 1950 (64 Stat. 158), and the Act of July 7, 1958 (72 Stat. 339, at 348).

Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence, or induce use of the copyrighted work by the Government: *Provided, however,* That this subsection shall not confer a right of action on any copyright owner or any assignee of such owner with respect to any copyrighted work prepared by a person while in the employment or service of the United States, where the copyrighted work was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: *And provided further,* That before such action against the United States has been instituted the appropriate corporation owned or controlled by the United States or the head of the appropriate department or agency of the Government, as the case may be, is authorized to enter into an agreement with the copyright owner in full settlement and compromise for the damages accruing to him by reason of such infringement and to settle the claim administratively out of available appropriations.

Except as otherwise provided by law, no recovery shall be had for any infringement of a copyright covered by this subsection committed more than three years prior to the filing of the complaint or counter-claim for infringement in the action, except that the period between the date of receipt of a written claim for compensation by the department or agency of the Government or corporation owned or controlled by the United States, as the case may be, having authority to settle such claim and the date of mailing by the Government of a notice to the claimant that his claim has been denied shall not be counted as a part of the three years, unless suit is brought before the last-mentioned date.

(c) The provisions of this section shall not apply to any claim arising in a foreign country.

§ 2072. RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

The Supreme Court shall have the power to prescribe, by general rules, the forms of process,[1] writs, pleadings, and motions, and the practice and procedure of the district courts of the United States in civil actions.

Such rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as at common law and as declared by the Seventh Amendment to the Constitution.

Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a

[1] For sample form of complaint for infringement of copyright and unfair competition, see Form 17, 28 U. S. C. 6176 (appendix, 1964).

regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported.

All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

Rules Adopted by the Supreme Court of the United States[1] for Practice and Procedure Under Section 25[2] of an Act to Amend and Consolidate the Acts Respecting Copyright, Approved March 4, 1909

1.

Proceedings in actions brought under section 25[2] of the Act of March 4, 1909, entitled "An Act to amend and consolidate the acts respecting copyright," including proceedings relating to the perfecting of appeals, shall be governed by the Rules of Civil Procedure, insofar as they are not inconsistent with these rules.

[2.[3]]

3.

Upon the institution of any action, suit or proceeding, or at any time thereafter, and before the entry of final judgment or decree therein, the plaintiff or complainant, or his authorized agent or attorney, may file with the clerk of any court given jurisdiction under section 34[2] of the Act of March 4, 1909, an affidavit stating upon the best of his knowledge, information and belief, the number and location, as near as may be, of the alleged infringing copies, records, plates, molds, matrices, etc., or other means for making the copies alleged to infringe the copyright, and the value of the same, and with such affidavit shall file with the clerk a bond executed by at least two sureties and approved by the court or a commissioner thereof.

4.

Such bond shall bind the sureties in a specified sum, to be fixed by the court, but not less than twice the reasonable value of such

---

[1] 214 U. S. 533 (1909), as amended by 307 U. S. 652 (1939).

[2] Historical note: Sections 25 and 34 of the Act of March 4, 1909, as amended, later became sections 101 and 110, respectively, of Title 17 of the United States Code by the Act of July 30, 1947 (61 Stat. 652). Sections 101 (f) and 110 were repealed by the Act of June 25, 1948 (62 Stat. 869). However, see section 2072 of Title 28, United States Code, on page 34 of this bulletin.

[3] By amendment to the Rules of Civil Procedure for the United States District Courts, prescribed by the Supreme Court of the United States on February 28, 1966, pursuant to Title 28, U. S. C., Sec. 2072, Rule 2 was rescinded by the Court's order, effective July 1, 1966, 383 U. S. 1031.

infringing copies, plates, records, molds, matrices, or other means for making such infringing copies, and be conditioned for the prompt prosecution of the action, suit or proceeding; for the return of said articles to the defendant, if they or any of them are adjudged not to be infringements, or if the action abates, or is discontinued before they are returned to the defendant; and for the payment to the defendant of any damages which the court may award to him against the plaintiff or complainant. Upon the filing of said affidavit and bond, and the approval of said bond, the clerk shall issue a writ directed to the marshal of the district where the said infringing copies, plates, records, molds, matrices, etc., or other means of making such infringing copies shall be stated in said affidavit to be located, and generally to any marshal of the United States, directing the said marshal to forthwith seize and hold the same subject to the order of the court issuing said writ, or of the court of the district in which the seizure shall be made.

5.

The marshal shall seize said articles or any smaller or larger part thereof he may then or thereafter find, using such force as may be reasonably necessary in the premises, and serve on the defendant a copy of the affidavit, writ and bond by delivering the same to him personally, if he can be found within the district, or if he cannot be found, to his agent, if any, or to the person from whose possession the articles are taken, or if the owner, agent, or such person cannot be found within the district, by leaving said copy at the usual place of abode of such owner or agent, with a person of suitable age and discretion, or at the place where said articles are found, and shall make immediate return of such seizure, or attempted seizure, to the court. He shall also attach to said articles a tag or label stating the fact of such seizure and warning all persons from in any manner interfering therewith.

6.

A marshal who has seized alleged infringing articles, shall retain them in his possession, keeping them in a secure place, subject to the order of the court.

7.

Within three days the articles are seized, and a copy of the affidavit, writ and bond are served as hereinbefore provided, the

347-128 O—69——6

defendant shall serve upon the clerk a notice that he excepts to the amount of the penalty of the bond, or to the sureties of the plaintiff or complainant, or both, otherwise he shall be deemed to have waived all objection to the amount of the penalty of the bond and the sufficiency of the sureties thereon. If the court sustain the exceptions it may order a new bond to be executed by the plaintiff or complainant, or in default thereof within a time to be named by the court, the property to be returned to the defendant.

8.

Within ten days after service of such notice, the attorney of the plaintiff or complainant shall serve upon the defendant or his attorney a notice of the justification of the sureties, and said sureties shall justify before the court or a judge thereof at the time therein stated.

9.

The defendant, if he does not except to the amount of the penalty of the bond or the sufficiency of the sureties of the plaintiff or complainant, may make application to the court for the return to him of the articles seized, upon filing an affidavit stating all material facts and circumstances tending to show that the articles seized are not infringing copies, records, plates, molds, matrices, or means for making the copies alleged to infringe the copyright.

10.

Thereupon the court in its discretion, after such hearing as it may direct, may order such return upon the filing by the defendant of a bond executed by at least two sureties, binding them in a specified sum to be fixed in the discretion of the court, and conditioned for the delivery of said specified articles to abide the order of the court. The plaintiff or complainant may require such sureties to justify within ten days of the filing of such bond.

11.

Upon the granting of such application and the justification of the sureties on the bond, the marshal shall immediately deliver the articles seized to the defendant.

12.

Any service required to be performed by any marshal may be performed by any deputy of such marshal.

13.

For services in cases arising under this section, the marshal shall be entitled to the same fees as are allowed for similar services in other cases.

Copyright in Territories and Insular Possessions of the United States

CANAL ZONE

Title 4, Chapter 20, Section 471 of the Canal Zone Code (approved October 18, 1962) provides:

> "The patent, trade-mark, and copyright laws of the United States shall have the same force and effect in the Canal Zone as in continental United States, and the district court has the same jurisdiction in actions arising under such laws as is exercised by United States district courts."

NOTE—The Canal Zone Code is printed as a separate document, as Vol. 76A of the Statutes at Large.

GUAM

The Organic Act of Guam, § 24, 70 Stat. 908 (1956), 48 U.S.C. § 1421n (1964), provides:

> "The laws of the United States relating to copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in Guam as in the continental United States."

PUERTO RICO

The Organic Act of Puerto Rico, § 9, 39 Stat. 951 (1917), as amended, 48 U.S.C. § 734 (1964), provides in part as follows:

> "That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, * * *"

VIRGIN ISLANDS

The Organic Act of the Virgin Islands of the United States, § 18, 49 Stat. 1807 (1936), U.S.C. § 1405q (1964), provides in part as follows:

"The laws of the United States applicable to the Virgin Islands on the date of enactment of this Act, and all local laws and ordinances in force on such date in the Virgin Islands, not inconsistent with this Act, shall continue in force and effect: * * * The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by the United States district courts."

The Revised Organic Act of the Virgin Islands, § 8(c), 68 Stat. 497 (1954), 48 U.S.C. § 1574c (1964), provides in part as follows:

"The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands, or any part thereof, on the date of approval of this Act, shall, to the extent they are not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: * * *"

International Copyright Relations

As of June 20, 1969, the United States has copyright relations with 69 foreign countries. Relations exist by virtue of international copyright conventions or bilateral arrangements.[1]

The Universal Copyright Convention: Effective Date; Application to Territories. The most recent convention to which the United States is a party is the Universal Copyright Convention, which came into force on September 16, 1955,[2] following ratification on November 5, 1954. It has 58 member states. This Convention is considered to be in force in the Panama Canal Zone, Puerto Rico, the Virgin Islands,[3] and Guam,[4] and in many territories or possessions of the foreign member countries. The text of the Convention, and of the three protocols thereto (which the United States also ratified), begins on page 43.

The Buenos Aires Convention. The United States is also a member of the Buenos Aires Copyright Convention of 1910,[5] to which 17 other nations of the Americas belong, most of which have also adhered to the Universal Copyright Convention.

Berne Conventions. The United States has never joined the International Union for the Protection of Literary and Artistic Works, better known as the Berne Union. At present, 59 nations are members.

Bilateral Arrangements. Some foreign states have copyright relations with the United States solely on the basis of a bilateral agreement. In certain cases, bilateral agreements also exist as to countries that have copyright relations with the United States under the Universal Copyright Convention or the Buenos Aires Convention.

The Copyright Office maintains current lists of the countries in each of the above categories, obtainable free on request from the Copyright Office, Library of Congress, Washington, D.C. 20540.

---

[1] See Appendix to TREATIES IN FORCE, published annually by the U.S. Department of State, citing proclamations, treaties and conventions establishing copyright relations.

[2] 6 U. S. T. 2731 (1955).

[3] According to letter of U.S. Ambassador Dillon in Paris to Director-General Luther Evans of Unesco, dated December 6, 1954.

[4] According to letter, dated May 14, 1957, addressed to Dr. Evans from Amory Houghton, U.S. Ambassador to France.

[5] 38 Stat. 1785 (1910).

Universal Copyright Convention[1]
Text

The Contracting States,

Moved by the desire to assure in all countries copyright protection of literary, scientific and artistic works,

Convinced that a system of copyright protection appropriate to all nations of the world and expressed in a universal convention, additional to, and without impairing international systems already in force, will ensure respect for the rights of the individual and encourage the development of literature, the sciences and the arts,

Persuaded that such a universal copyright system will facilitate a wider dissemination of works of the human mind and increase international understanding,

Have agreed as follows:

ARTICLE I

Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture.

ARTICLE II

1. Published works of nationals of any Contracting State and works first published in that State shall enjoy in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory.

2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as that other State accords to unpublished works of its own nationals.

3. For the purpose of this Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person domiciled in that State.

---

[1] Universal Copyright Convention (came into force September 16, 1955), 6 U. S. T. 2731 (1955).

ARTICLE III

1. Any Contracting State which, under its domestic law, requires as a condition of copyright, compliance with formalities such as deposit, registration, notice, notarial certificates, payment of fees or manufacture or publication in that Contracting State, shall regard these requirements as satisfied with respect to all works protected in accordance with this Convention and first published outside its territory and the author of which is not one of its nationals, if from the time of the first publication all the copies of the work published with the authority of the author or other copyright proprietor bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

2. The provisions of paragraph 1 of this article shall not preclude any Contracting State from requiring formalities or other conditions for the acquisition and enjoyment of copyright in respect of works first published in its territory or works of its nationals wherever published.

3. The provisions of paragraph 1 of this article shall not preclude any Contracting State from providing that a person seeking judicial relief must, in bringing the action, comply with procedural requirements, such as that the complainant must appear through domestic counsel or that the complainant must deposit with the court or an administrative office, or both, a copy of the work involved in the litigation; provided that failure to comply with such requirements shall not affect the validity of the copyright, nor shall any such requirement be imposed upon a national of another Contracting State if such requirement is not imposed on nationals of the State in which protection is claimed.

4. In each Contracting State there shall be legal means of protecting without formalities the unpublished works of nationals of other Contracting States.

5. If a Contracting State grants protection for more than one term of copyright and the first term is for a period longer than one of the minimum periods prescribed in article IV, such State shall not be required to comply with the provisions of paragraph 1 of this article III in respect of the second or any subsequent term of copyright.

ARTICLE IV

1. The duration of protection of a work shall be governed, in accordance with the provisions of article II and this article, by

the law of the Contracting State in which protection is claimed.

2. The term of protection for works protected under this Convention shall not be less than the life of the author and 25 years after his death.

However, any Contracting State which, on the effective date of this Convention in that State, has limited this term for certain classes of works to a period computed from the first publication of the work, shall be entitled to maintain these exceptions and to extend them to other classes of works. For all these classes the term of protection shall not be less than 25 years from the date of first publication.

Any Contracting State which, upon the effective date of this Convention in that State, does not compute the term of protection upon the basis of the life of the author, shall be entitled to compute the term of protection from the date of the first publication of the work or from its registration prior to publication, as the case may be, provided the term of protection shall not be less than 25 years from the date of first publication or from its registration prior to publication, as the case may be.

If the legislation of a Contracting State grants two or more successive terms of protection, the duration of the first term shall not be less than one of the minimum periods specified above.

3. The provisions of paragraph 2 of this article shall not apply to photographic works or to works of applied art; provided, however, that the term of protection in those Contracting States which protect photographic works, or works of applied art in so far as they are protected as artistic works, shall not be less than ten years for each of said classes of works.

4. No Contracting State shall be obliged to grant protection to a work for a period longer than that fixed for the class of works to which the work in question belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published.

For the purposes of the application of the preceding provision, if the law of any Contracting State grants two or more successive terms of protection, the period of protection of that State shall be considered to be the aggregate of those terms. However, if a specified work is not protected by such State during the second or any subsequent term for any reason, the other Contracting States shall not be obliged to protect it during the second or any subsequent term.

5. For the purposes of the application of paragraph 4 of this article, the work of a national of a Contracting State, first pub-

lished in a non-Contracting State, shall be treated as though first published in the Contracting State of which the author is a national.

6. For the purposes of the application of paragraph 4 of this article, in case of simultaneous publication in two or more Contracting States, the work shall be treated as though first published in the State which affords the shortest term; any work published in two or more Contracting States within thirty days of its first publication shall be considered as having been published simultaneously in said Contracting States.

ARTICLE V

1. Copyright shall include the exclusive right of the author to make, publish, and authorize the making and publication of translations of works protected under this Convention.

2. However, any Contracting State may, by its domestic legislation, restrict the right of translation of writings, but only subject to the following provisions:

If, after the expiration of a period of seven years from the date of the first publication of a writing, a translation of such writing has not been published in the national language or languages, as the case may be, of the Contracting State, by the owner of the right of translation or with his authorization, any national of such Contracting State may obtain a non-exclusive license from the competent authority thereof to translate the work and publish the work so translated in any of the national languages in which it has not been published; provided that such national, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to make and publish the translation, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of a translation in such language are out of print.

If the owner of the right of translation cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the State of which such owner is a national, or to the organization which may have been designated by the government of that State. The license shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application.

Due provision shall be made by domestic legislation to assure to the owner of the right of translation a compensation which is just and conforms to international standards, to assure payment and transmittal of such compensation, and to assure a correct translation of the work.

The original title and the name of the author of the work shall be printed on all copies of the published translation. The license shall be valid only for publication of the translation in the territory of the Contracting State where it has been applied for. Copies so published may be imported and sold in another Contracting State if one of the national languages of such other State is the same language as that into which the work has been so translated, and if the domestic law in such other State makes provision for such licences and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a Contracting State shall be governed by its domestic law and its agreements. The licence shall not be transferred by the license.

The license shall not be granted when the author has withdrawn from circulation all copies of the work.

ARTICLE VI

"Publication," as used in this Convention, means the reproduction in tangible form and the general distribution to the public of copies of a work from which it can be read or otherwise visually perceived.

ARTICLE VII

This Convention shall not apply to works or rights in works which, at the effective date of the Convention in a Contracting State where protection is claimed, are permanently in the public domain in the said Contracting State.

ARTICLE VIII

1. This Convention, which shall bear the date of September 6 1952, shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization and shall remain open for signature by all States for a period of 120 days after that date. It shall be subject to ratification or acceptance by the signatory States.

2. Any State which has not signed this Convention may accede thereto.

3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General

of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE IX

1. This Convention shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession, among which there shall be those of four States which are not members of the International Union for the Protection of Literary and Artistic Works.

2. Subsequently, this Convention shall come into force in respect of each State three months after that State has deposited its instrument of ratification, acceptance or accession.

ARTICLE X

1. Each State party to this Convention undertakes to adopt, in accordance with its Constitution, such measures as are necessary to ensure the application of this Convention.

2. It is understood, however, that at the time an instrument of ratification, acceptance or accession is deposited on behalf of any State, such State must be in a position under its domestic law to give effect to the terms of this Convention.

ARTICLE XI

1. An Intergovernmental Committee is hereby established with the following duties:

(a) to study the problems concerning the application and operation of this Convention;
(b) to make preparation for periodic revisions of this Convention;
(c) to study any other problems concerning the international protection of copyright, in co-operation with the various interested international organizations, such as the United Nations Educational, Scientific and Cultural Organization, the International Union for the Protection of Literary and Artistic Works and the Organization of American States;
(d) to inform the Contracting States as to its activities.

2. The Committee shall consist of the representatives of twelve Contracting States to be selected with due consideration to fair geographical representation and in conformity with the Resolution relating to this article, annexed to this Convention.

The Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director of the Bureau of the

International Union for the Protection of Literary and Artistic Works and the Secretary-General of the Organization of American States, or their representatives, may attend meetings of the Committee in an advisory capacity.

ARTICLE XII

The Intergovernmental Committee shall convene a conference for revision of this Convention whenever it deems necessary, or at the request of at least ten Contracting States, or of a majority of the Contracting States if there are less than twenty Contracting States.

ARTICLE XIII

Any Contracting State may, at the time of deposit of its instrument of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization that this Convention shall apply to all or any of the countries or territories for the international relations of which it is responsible and this Convention shall thereupon apply to the countries or territories named in such notification after the expiration of the term of three months provided for in article IX. In the absence of such notification, this Convention shall not apply to any such country or territory.

ARTICLE XIV

1. Any Contracting State may denounce this Convention in its own name or on behalf of all or any of the countries or territories as to which a notification has been given under article XIII. The denunciation shall be made by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. Such denunciation shall operate only in respect of the State or of the country or territory on whose behalf it was made and shall not take effect until twelve months after the date of receipt of the notification.

ARTICLE XV

A dispute between two or more Contracting States concerning the interpretation or application of this Convention, not settled by negotiation, shall, unless the States concerned agree on some other method of settlement, be brought before the International Court of Justice for determination by it.

ARTICLE XVI

1. This Convention shall be established in English, French and Spanish. The three texts shall be signed and shall be equally authoritative.

2. Official texts of this Convention shall be established in German, Italian and Portuguese.

Any Contracting State or group of Contracting States shall be entitled to have established by the Director-General of the United Nations Educational, Scientific and Cultural Organization other texts in the language of its choice by arrangement with the Director-General.

All such texts shall be annexed to the signed texts of this Convention.

ARTICLE XVII

1. This Convention shall not in any way affect the provisions of the Berne Convention for the Protection of Literary and Artistic Works or membership in the Union created by that Convention.

2. In application of the foregoing paragraph, a Declaration has been annexed to the present article. This Declaration is an integral part of this Convention for the States bound by the Berne Convention on January 1, 1951, or which have or may become bound to it at a later date. The signature of this Convention by such States shall also constitute signature of the said Declaration, and ratification, acceptance or accession by such States shall include the Declaration as well as the Convention.

ARTICLE XVIII

This Convention shall not abrogate multilateral or bilateral copyright conventions or arrangements that are or may be in effect exclusively between two or more American Republics. In the event of any difference either between the provisions of such existing conventions or arrangements and the provisions of this Convention, or between the provisions of this Convention and those of any new convention or arrangement which may be formulated between two or more American Republics after this Convention comes into force, the convention or arrangement most recently formulated shall prevail between the parties thereto. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date this Convention comes into force in such State shall not be affected.

ARTICLE XIX

This Convention shall not abrogate multilateral or bilateral conventions or arrangements in effect between two or more Contracting States. In the event of any difference between the provisions of such existing conventions or arrangements and the provisions of this Convention, the provisions of this Convention shall prevail. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date on which this Convention comes into force in such State shall not be affected. Nothing in this article shall affect the provisions of articles XVII and XVIII of this Convention.

ARTICLE XX

Reservations to this Convention shall not be permitted.

ARTICLE XXI

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall send duly certified copies of this Convention to the States interested, to the Swiss Federal Council and to the Secretary-General of the United Nations for registration by him.

He shall also inform all interested States of the ratifications, acceptances and accessions which have been deposited, the date on which this Convention comes into force, the notifications under Article XIII of this Convention, and denunciations under Article XIV.

APPENDIX DECLARATION
relating to Article XVII

The States which are members of the International Union for the Protection of Literary and Artistic Works, and which are signatories to the Universal Copyright Convention,

Desiring to reinforce their mutual relations on the basis of the said Union and to avoid any conflict which might result from the co-existence of the Convention of Berne and the Universal Convention,

Have, by common agreement, accepted the terms of the following declaration:

(a) Works which, according to the Berne Convention, have as their country of origin a country which has withdrawn from the International Union created by the said Convention, after January 1, 1951, shall not be protected by the

Universal Copyright Convention in the countries of the Berne Union;

(b) The Universal Copyright Convention shall not be applicable to the relationships among countries of the Berne Union insofar as it relates to the protection of works having as their country of origin, within the meaning of the Berne Convention, a country of the International Union created by the said Convention.

RESOLUTION CONCERNING ARTICLE XI

The Intergovernmental Copyright Conference

Having considered the problems relating to the Intergovernmental Committee provided for in Article XI of the Universal Copyright Convention

resolves

1. The first members of the Committee shall be representatives of the following twelve States, each of those States designating one representative and an alternate: Argentine, Brazil, France, Germany, India, Italy, Japan, Mexico, Spain, Switzerland, United Kingdom, and United States of America.

2. The Committee shall be constituted as soon as the Convention comes into force in accordance with article XI of this Convention;

3. The Committee shall elect its Chairman and one Vice-Chairman. It shall establish its rules of procedure having regard to the following principles:

(a) the normal duration of the term of office of the representatives shall be six years; with one third retiring every two years;

(b) before the expiration of the term of office of any members, the Committee shall decide which States shall cease to be represented on it and which States shall be called upon to designate representatives; the representatives of those States which have not ratified, accepted or acceded shall be the first to retire;

(c) the different parts of the world shall be fairly represented;

and expresses the wish

that the United Nations Educational, Scientific, and Cultural Organization provide its Secretariat.

In faith whereof the undersigned, having deposited their respective full powers, have signed this Convention.

Done at Geneva, this sixth day of September, 1952 in a single copy.

Protocol 1 to the Universal Copyright Convention concerning the application of that Convention to the works of stateless persons and refugees

The States parties hereto, being also parties to the Universal Copyright Convention (hereinafter referred to as the "Convention") have accepted the following provisions:

1. Stateless persons and refugees who have their habitual residence in a State party to this Protocol shall, for the purposes of the Convention, be assimilated to the nationals of that State.

2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of article VIII of the Convention applied hereto.

(b) This Protocol shall enter into force in respect of each State, on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Geneva this sixth day of September, 1952, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of Unesco. The Director-General shall send certified copies to the signatory States, to the Swiss Federal Council and to the Secretary-General of the United Nations for registration.

Protocol 2 annexed to the Universal Copyright Convention, concerning the application of that Convention to the works of certain international organisations

The State parties hereto, being also parties to the Universal Copyright Convention (hereinafter referred to as the "Convention"),

Have accepted the following provisions:

1. (a) The protection provided for in article II (1) of the Convention shall apply to works published for the first time by the United Nations, by the Specialized Agencies in relationship therewith, or by the Organisation of American States;

(b) Similarly, article II (2) of the Convention shall apply to the said organisation or agencies.

2. (a) This Protocol shall be signed and shall be subject to

ratification or acceptance, or may be acceded to, as if the provisions of article VIII of the Convention applied hereto.

(b) This Protocol shall enter into force for each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Geneva, this sixth day of September, 1952, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the Unesco.

The Director-General shall send certificated copies to the signatory States, to the Swiss Federal Council, and to the Secretary-General of the United Nations for registration.

Protocol 3 annexed to the Universal Copyright Convention concerning the effective date of instruments of ratification or acceptance of or accession to that Convention

States parties hereto,

Recognizing that the application of the Universal Copyright Convention (hereinafter referred to as the "Convention") to States participating in all the international copyright systems already in force will contribute greatly to the value of the Convention;

Have agreed as follows:

1. Any State party hereto may, on depositing its instrument of ratification or acceptance of or accession to the Convention, notify the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "Director-General") that that instrument shall not take effect for the purposes of Article IX of the Convention until any other State named in such notification shall have deposited its instrument.

2. The notification referred to in paragraph 1 above shall accompany the instrument to which it relates.

3. The Director-General shall inform all States signatory or which have then acceded to the Convention of any notifications received in accordance with this Protocol.

4. This Protocol shall bear the same date and shall remain open for signature for the same period as the Convention.

5. It shall be subject to ratification or acceptance by the

signatory States. Any State which has not signed this Protocol may accede thereto.

6. (a) Ratification or acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General.

(b) This Protocol shall enter into force on the date of deposit of not less than four instruments of ratification or acceptance or accession. The Director-General shall inform all interested States of this date. Instruments deposited after such date shall take effect on the date of their deposit.

In faith whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Geneva, the sixth day of September 1952, in the English, French and the Spanish languages, the three texts being equally authoritative, in a single copy which shall be annexed to the original copy of the Convention. The Director-General shall send certified copies to the signatory States, to the Swiss Federal Council, and to the Secretary-General of the United Nations for registration.

Regulations of the Copyright Office[1]

(As amended through July 4, 1967)

PART 201--GENERAL PROVISIONS

Sec.

201.1 Communications with the Copyright Office.
201.2 Information given by the Copyright Office.
201.3 Catalog of Copyright Entries.
201.4 Assignments of copyright and other papers.
201.5 Amendments to completed Copyright Office registrations and other records.
201.6 Payment and refund of Copyright Office fees.
201.7 Preparation of catalog card.
201.8 Import statements.

AUTHORITY: §§ 201.1 to 201.8 issued under sec. 207, 61 Stat. 666; 17 U.S.C. § 207.

§201.1 COMMUNICATIONS WITH THE COPYRIGHT OFFICE.

Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington, D.C. 20540.

§ 201.2 INFORMATION GIVEN BY THE COPYRIGHT OFFICE.

(a) *In general.* (1) Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions or advice on such matters as:

(i) The validity or status of any copyright other than the facts shown in the records of the Office;

(ii) The rights of persons, whether in connection with cases of alleged copyright infringement, contracts between authors and publishers or other matters of a similar nature;

(iii) The scope and extent of protection of works in foreign countries or interpretation of foreign copyright laws or court opinions;

(iv) The sufficiency, extent or scope of compliance with the copyright law.

---

[1] *Code of Federal Regulations*, Title 37, Chapter II (*Federal Register*, volume 24, page 4955, June 18, 1959). Section 201.3 as amended, *Federal Register*, volume 31, page 6119, April 21, 1966. Section 201.2 as amended, *Federal Register*, volume 32, pages 9314–9315, June 30, 1967, effective July 4, 1967.

(2) In addition, the Office cannot undertake to furnish the names of copyright attorneys, publishers, agents, or other similar information.

(b) *Inspection and copying of records.* (1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies deposited in connection with a completed copyright registration, may be undertaken at such times as will not result in interference with or delay in the work of the Copyright Office.

(2) The copying from the Copyright Office records of names and addresses for the purpose of compiling mailing lists and other similar uses is expressly prohibited.

(3) The Copyright Office maintains an administrative staff manual, referred to as its "Compendium of Office Practices," and an index to the manual, for the general guidance of its staff in making registrations and recording documents. The manual and index, as amended and supplemented from time to time, are available in the Copyright Office for public inspection and copying.

(c) *Correspondence.* (1) Official correspondence, including preliminary applications, between copyright claimants or their agents and the Copyright Office, and directly relating to a completed registration or to a recorded document, is made available for public inspection. Requests for photocopies of the correspondence shall be made pursuant to paragraph (d) of this section.

(2) (i) Correspondence, application forms and any accompanying material forming a part of a pending or rejected application are not records which are open to public inspection under paragraph (b) of this section.

(ii) Inspection of such files may be afforded upon presentation of written authorization of the claimant or his agent, or upon submission to the Register of Copyrights, Library of Congress, Washington, D.C. 20540, of a written request which is deemed by him to show good cause for such access and which establishes that the person making the request is one properly and directly concerned.

(iii) Where such access is authorized and photocopies of the official file are subsequently requested, the conditions and procedures of paragraph (d) of this section are controlling.

(3) Correspondence, memoranda, reports, opinions, and similar material relating to internal matters of personnel and procedures, office administration, security matters, and internal consideration of policy and decisional matters, including the work product of an attorney, are not open to public inspection.

(4) The Copyright Office will return unanswered any abusive or scurrilous correspondence.

(d) *Requests for copies.* (1) Requests for additional certificates of registration should be sent to the Copyright Office, and the accompanying fees should be made payable to the Register of Copyrights.

(2) Requests for photocopies of copyright deposits, official correspondence, and Copyright Office records (other than additional certificates of registration) should be sent to the Chief, Photoduplication Service, Library of Congress, Washington, D.C. 20540, the accompanying fees in payment of such services being made payable to that official. When the photocopy is to be certified by the Copyright Office, the additional certification fee should be made payable to the Register of Copyrights and both remittances together with the transmittal letter are to be sent to the Copyright Office.

(3) Requests for photocopies of official correspondence shall identify the specific material desired and shall contain a statement enabling the Copyright Office to determine if the writer is properly and directly concerned.

(4) Requests for photocopies of copyright deposits will be granted when one or more of the following conditions are fulfilled:

(i) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(ii) *Request by attorney.* When required in connection with litigation, actual or prospective, in which the copyrighted work is involved; but in all such cases the attorney representing the actual or prospective plaintiff or defendant for whom the request is made shall give in writing: (*a*) The names of the parties and the nature of the controversy; (*b*) the name of the court where the action is pending, or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyrighted work is involved; and (*c*) satisfactory assurances that the requested copy will be used only in connection with the specified litigation.

(iii) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

§ 201.3 CATALOG OF COPYRIGHT ENTRIES.

The subscription price for all parts of the complete yearly Catalog of Copyright Entries, effective with Volume 20, is $50.00. Each part of the Catalog is published in two semiannual numbers

covering, respectively, the periods January–June and July–December. The prices given in the list below are for each semiannual number; the price of an annual subscription to any part is twice the price of the semiannual number. The entire annual Catalog or any of its parts may be obtained, upon payment of the established price, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, to whom requests for copies should be addressed and to whom the remittance should be made payable.

Part 1—Books and Pamphlets Including Serials and Contributions to Periodicals, $7.50.
Part 2—Periodicals, $2.50.
Parts 3–4—Dramas and Works Prepared for Oral Delivery, $2.50.
Part 5—Music, $7.50.
Part 6—Maps and Atlases, $2.50.
Parts 7–11A—Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations, $2.50.
Part 11B—Commercial Prints and Labels, $2.50.
Parts 12–13—Motion Pictures and Filmstrips, $2.50.

§ 201.4 Assignments of copyright and other papers.

Assignments of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, agreements between authors and publishers covering a particular work or works and the rights thereto, mortgages, certificates of change of corporate title, wills, and decrees of distribution. The original, signed instrument should be submitted for recordation, and is returned to the sender with a certificate of record. Where the original instrument is not available, a certified or other copy may be submitted, but it shall be accompanied by a statement that the original is not available.

§ 201.5 Amendments to completed Copyright Office registrations and other records.

(a) *No cancellations.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the

purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

(b) *Correction by new registration.* In exceptional cases, where an applicant desires to correct, amend or amplify a registration previously made in accordance with information furnished by a claimant or his agent, a new application indicating its amendatory purpose shall be filed, accompanied by the statutory fee and the same number of copies required for a new application. Where it is satisfactorily established that copies of the original work cannot be obtained for submission, photocopies or microfilm copies of the original may be submitted.

§ 201.6 PAYMENT AND REFUND OF COPYRIGHT OFFICE FEES.

(a) *In general.* All fees sent to the Copyright Office should be in the form of a money order, check or bank draft payable to the Register of Copyrights. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries should be in the form of an International Money Order or Bank Draft payable and immediately negotiable in the United States for the full amount of the fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments made in excess of the statutory fee will be refunded, but amounts of twenty-five cents or less will not be returned unless specifically requested and such sums may be refunded in postage stamps. All larger amounts will be refunded by check.

(d) *Return of deposit copies.* Copies of works deposited in the Copyright Office pursuant to law are either retained in the Copyright Office, transferred for the permanent collections or other uses of the Library of Congress, or disposed of according to law. When an application is rejected, the Copyright Office reserves the right to retain the deposited copies.

§ 201.7 PREPARATION OF CATALOG CARD.

The catalog card which may accompany a work of foreign origin, as provided in section 215 of title 17, U.S. Code, as amended, may be a catalog card supplied by a library in the country of publication. In lieu of such a card the applicant may prepare his own card, or may fill out the form supplied by the Copyright Office. The catalog card should contain the full name of the author of the original work, title and description from the title page, paging, copyright claimant, the city and year of publication, and the names of all other authors, editors, etc., whom the applicant considers of sufficient importance to record. When available, the year of birth of each author named should be given. If the form furnished by the Office is not used, the size of the card should preferably be 5 inches wide by 3 inches deep or 12.5 centimeters wide by 7.5 centimeters deep. The Register of Copyrights reserves the right to accept catalog cards not complying with the above requirements.

§ 201.8 IMPORT STATEMENTS.

(a) The Copyright Office will issue import statements for books and periodicals first published abroad in the English language which are to be imported under the provisions of section 16 of title 17, U.S. Code, as amended. A statement for the importation of 1,500 copies will be issued to the person named in the application for ad interim copyright registration. The holder of this statement shall present it to the customs officer in charge of the port of entry. Upon receipt of a statement from the customs officer, showing importation of less than 1,500 copies, a new statement will be issued for the balance.

(b) The provisions in the Customs Regulations covering the use of the import statement (Copyright Office Form C–100) are found in 19 CFR 11.21 (21 F.R. 2517).

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Sec.

202.1 Materials not subject to copyright.
202.2 Copyright notice.
202.3 Application forms.
202.4 Books (Class A).
202.5 Periodicals (Class B).
202.6 Lectures or similar productions prepared for oral delivery (Class C).
202.7 Dramatic and dramatico-musical compositions (Class D).
202.8 Musical compositions (Class E).

202.9 Maps (Class F).
202.10 Works of art (Class G).
202.11 Reproductions of works of art (Class H).
202.12 Drawings or plastic works of a scientific or technical character (Class I).
202.13 Photographs (Class J).
202.14 Prints, pictorial illustrations and commercial prints or labels (Class K).
202.15 Motion pictures (Classes L–M).
202.16 Deposit of photographs or other identifying reproductions in lieu of copies.
202.17 Renewals.
202.18 Notices of use.

AUTHORITY: §§ 202.1 to 202.18 issued under sec. 207, 61 Stat. 666; 17 U.S.C. § 207.

§ 202.1 MATERIAL NOT SUBJECT TO COPYRIGHT.

The following are examples of works not subject to copyright and applications for registration of such works cannot be entertained:

(a) Words and short phrases such as names, titles, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering or coloring; mere listing of ingredients or contents;

(b) Ideas, plans, methods, systems, or devices, as distinguished from the particular manner in which they are expressed or described in a writing;

(c) Works designed for recording information which do not in themselves convey information, such as time cards, graph paper, account books, diaries, bank checks, score cards, address books, report forms, order forms and the like;

(d) Works consisting entirely of information that is common property containing no original authorship, such as, for example: Standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources.

§ 202.2 COPYRIGHT NOTICE.

(a) *General.* (1) With respect to a published work, copyright is secured, or the right to secure it is lost, at the date of publication, i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time.

(2) If publication occurs by distribution of copies or in some other manner, without the statutory notice or with an inadequate

notice, the right to secure copyright is lost. In such cases, copyright cannot be secured by adding the notice to copies distributed at a later date.

(3) Works first published abroad, other than works eligible for ad interim registration, must bear an adequate copyright notice at the time of their first publication in order to secure copyright under the law of the United States.

(b) *Defects in notice.* Where the copyright notice does not meet the requirements of the law, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others, the following:

(1) The notice lacks one or more of the necessary elements (i.e., the word "Copyright," the abbreviation "Copr.," or the symbol ©; the name of the copyright proprietor; or, when required, the year date of publication);

(2) The elements of the notice are dispersed;

(3) The notice is not in one of the positions prescribed by law;

(4) The notice is in a foreign language;

(5) The name in the notice is that of someone who had no authority to secure copyright in his name;

(6) The year date in the copyright notice is later than the date of the year in which copyright was actually secured, including the following cases:

(i) Where the year date in the notice is later than the date of actual publication;

(ii) Where copyright was first secured by registration of a work in unpublished form, and copies of the same work as later published without change in substance bear a copyright notice containing a year date later than the year of unpublished registration;

(iii) Where a book or periodical published abroad, for which ad interim copyright has been obtained, is later published in the United States without change in substance and contains a year date in the copyright notice later than the year of first publication abroad: *Provided, however,* That in each of the three foregoing types of cases, if the copyright was actually secured not more than one year earlier than the year date in the notice, registration may be considered as a doubtful case.

(7) A notice is permanently covered so that it cannot be seen without tearing the work apart;

(8) A notice is illegible or so small that it cannot be read without the aid of a magnifying glass: *Provided, however,* That where the work itself requires magnification for its ordinary use (e.g.,

a microfilm, microcard or motion picture) a notice which will be readable when so magnified, will not constitute a reason for rejection of the claim;

(9) A notice is on a detachable tag and will eventually be detached and discarded when the work is put in use;

(10) A notice is on the wrapper or container which is not a part of the work and which will eventually be removed and discarded when the work is put in use;

(11) The notice is restricted or limited exclusively to an uncopyrightable element, either by virtue of its position on the work, by the use of asterisks, or by other means.

§ 202.3 APPLICATION FORMS.

(a) *In general.* Section 5 of title 17 of the U.S. Code provides thirteen classes (Class A through Class M) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.4 to 202.15 inclusive, for the purpose of assisting persons who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) *Claims of copyright.* (1) All works deposited for registration shall be accompanied by a "claim of copyright" in the form of a properly executed application, together with the statutory registration fee. The Office reserves the right to refuse to accept any application that is a carbon copy, illegible, defaced, or otherwise not in an acceptable condition for examination and recording.

(2) Where these separate elements are not received simultaneously, the Copyright Office holds the submitted elements for a reasonable time and, in default of the receipt of the missing element or elements after a request made therefor, the submitted item or items may be returned to the sender. Such action does not constitute a waiver of the right of the Register of Copyrights pursuant to section 14, title 17, U.S. Code, to demand compliance with the deposit provisions of that title.

(3) Applications for copyright registration covering published works should reflect the facts existing at the time of first publication, and should not include information concerning changes that have occurred between the time of publication and registration. The name given as copyright claimant in the application should agree with the name appearing in the copyright notice.

(4) Applications should be submitted by the copyright claimant, or by someone acting under his authority.

(5) All information requested by the Copyright Office application form should be given in the appropriate spaces provided. There should not be attached to the application any slips of paper

or extra pages containing additional information, or a continuation of requested information.

(c) *Forms.* The Copyright Office supplies without charge the following forms for use when applying for the registration of a claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A—Published book manufactured in the United States of America (Class A).

Form A–B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America (Classes A–B).

Form A–B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law) (Classes A–B).

Form B—Periodical manufactured in the United States of America (Class B).

Form BB—Contribution to a periodical manufactured in the United States of America (Class B).

Form C—Lecture or similar production prepared for oral delivery (Class C).

Form D—Dramatic or dramatico-musical composition (Class D).

Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was published in the United States of America (Class E).

Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America (Class E).

Form F—Map (Class F).

Form G—Work of art or a model or design for a work of art (Class G).

Form H—Reproduction of a work of art (Class H).

Form I—Drawing or plastic work of a scientific or technical character (Class I).

Form J—Photograph (Class J).

Form K—Print or pictorial illustration (Class K).

Form KK—Print or label used for an article of merchandise (Class K).

Form L–M—Motion picture (Classes L–M).

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

§ 202.4 Books (Class A).

(a) *Subject matter and forms.* This class includes such published works as fiction and nonfiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, as books, either bound or in loose-leaf form, pamphlets, leaflets, cards, single pages or the like. Applications for registration of claims to copyright in published books manufactured in the United States of America are made on Form A; in

books manufactured outside of the United States of America, except those subject to ad interim provisions of the copyright law, on Form A–B Foreign; and in books in the English language manufactured and first published outside the United States of America, and subject to the ad interim provisions of the copyright law, on Form A–B Ad Interim.

(b) *Ad interim registrations.* (1) An American edition of an English-language book or periodical identical in substance to that first published abroad will not be registered unless an ad interim registration is first made.

(2) When a book or periodical has been registered under the ad interim provisions, an American edition of the same work, to be registrable, must be manufactured and published in the United States within five years after the date of first publication abroad.

(3) Since by law ad interim copyright expires at the end of the ad interim term unless an American edition is published during that term, a renewal application covering a work registered only under the ad interim provisions will be rejected. Where both an ad interim and an American edition have been registered, the registrability of the renewal application is governed by the date of the first publication abroad.

§ 202.5 PERIODICALS (CLASS B).

This class includes such works as newspapers, magazines, reviews, bulletins, and serial publications, published at intervals of less than a year. Applications for registration of claims to copyright in published periodicals manufactured in the United States of America are made on Form B; in periodicals, or in contributions thereto, manufactured outside the United States of America, except those subject to the ad interim provision of the copyright law, on Form A–B Foreign; and in periodicals, or in contributions thereto, in the English language manufactured and first published outside of the United States of America, and subject to the ad interim provisions of the copyright law, on Form A–B Ad Interim. Applications for registration of claims to copyright in contributions to periodicals manufactured in the United States of America are made on Form BB. Applications for registration of claims to copyright in contributions to periodicals, which contributions are prints published in connection with the sale or advertisement of an article or articles of merchandise, are made on Form KK.

§ 202.6 LECTURES OR SIMILAR PRODUCTIONS PREPARED FOR ORAL DELIVERY (CLASS C).

This class includes the scripts of unpublished works prepared in the first instance for oral delivery, such as lectures, sermons, addresses, monologs, panel discussions, and variety programs prepared for radio or television. The script submitted for registration in Class C should consist of the actual text of the works to be presented orally. Formats, outlines, brochures, synopses, or general descriptions of radio and television programs are not registrable in unpublished form. When published with notice as prescribed by law, such works may be considered for registration as "books" in Class A.

§ 202.7 DRAMATIC AND DRAMATICO-MUSICAL COMPOSITIONS (CLASS D).

This class includes published or unpublished works dramatic in character such as the acting version of plays for the stage, motion pictures, radio, television and the like, operas, operettas, musical comedies and similar productions, and pantomimes. Choreographic works of a dramatic character, whether the story or theme be expressed by music and action combined or by actions alone, are subject to registration in Class D. However, descriptions of dance steps and other physical gestures, including ballroom and social dances or choreographic works which do not tell a story, develop a character or emotion, or otherwise convey a dramatic concept or idea, are not subject to registration in Class D.

§ 202.8 MUSICAL COMPOSITIONS (CLASS E).

(a) This class includes published or unpublished musical compositions in the form of visible notation (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations or arrangements, and editing when such editing is the writing of an author. The words of a song, when unaccompanied by music, are not registrable in Class E.

(b) A phonograph record or other sound recording is not considered a "copy" of the compositions recorded on it, and is not acceptable for copyright registration. Likewise, the Copyright Office does not register claims to exclusive rights in mechanical recordings themselves, or in the performances they reproduce.

§ 202.9 MAPS (CLASS F).

This class includes all published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

§ 202.10 WORKS OF ART (CLASS G).

(a) *General.* This class includes published or unpublished works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as works belonging to the fine arts, such as paintings, drawings and sculpture.

(b) In order to be acceptable as a work of art, the work must embody some creative authorship in its delineation or form. The registrability of a work of art is not affected by the intention of the author as to the use of the work, the number of copies reproduced, or the fact that it appears on a textile material or textile product. The potential availability of protection under the design patent law will not affect the registrability of a work of art, but a copyright claim in a patented design or in the drawings or photographs in a patent application will not be registered after the patent has been issued.

(c) If the sole intrinsic function of an article is its utility, the fact that the article is unique and attractively shaped will not qualify it as a work of art. However, if the shape of a utilitarian article incorporates features, such as artistic sculpture, carving, or pictorial representation, which can be identified separately and are capable of existing independently as a work of art, such features will be eligible for registration.

§ 202.11 REPRODUCTIONS OF WORKS OF ART (CLASS H).

This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching, or drawing of a painting, sculpture or other work of art.

§ 202.12 DRAWINGS OR PLASTIC WORKS OF A SCIENTIFIC OR TECHNICAL CHARACTER (CLASS I).

(a) This class includes published or unpublished two-dimensional drawings and three-dimensional plastic works which have been designed for a scientific or technical use and which contain copyrightable graphic, pictorial, or sculptured material. Works

registrable in Class I include diagrams or models illustrating scientific or technical works or formulating scientific or technical information in linear or plastic form, such as, for example: a mechanical drawing, an astronomical chart, an architect's blueprint, an anatomical model, or an engineering diagram.

(b) A work is not eligible for registration as a "plastic" work in Class I merely because it is formed from one of the commonly known synthetic chemical derivatives such as styrenes, vinyl compounds, or acrylic resins. The term "plastic work" as used in this context refers to a three-dimensional work giving the effect of that which is molded or sculptured. Examples of such works include statues of animals or plants used for scientific or educational purposes, and engineers' scale models.

(c) A claim to copyright in a scientific or technical drawing, otherwise registrable in Class I, will not be refused registration solely by reason of the fact that it is known to form a part of a pending patent application. Where the patent has been issued, however, the claim to copyright in the drawing will be denied copyright registration.

§ 202.13 PHOTOGRAPHS (CLASS J).

This class includes published or unpublished photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K on Form K.

§ 202.14 PRINTS, PICTORIAL ILLUSTRATIONS AND COMMERCIAL PRINTS OR LABELS (CLASS K).

(a) This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works when published are registered on Form K.

(b) A print or label, not a trademark, containing copyrightable pictorial matter, text, or both, published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK. In the case of a print which is published in a periodical, use Form KK if the print is used in connection with the sale or advertisement of an article of merchandise, Form BB if it is not. Multipage works are more appropriately classified in Class A than in Class K.

(c) A claim to copyright cannot be registered in a print or label consisting solely of trademark subject matter and lacking copyrightable matter. While the Copyright Office will not investigate

whether the matter has been or can be registered at the Patent Office, it will register a properly filed copyright claim in a print or label that contains the requisite qualifications for copyright even though there is a trademark on it. However, registration of a claim to copyright does not give the claimant rights available by trademark registrations at the Patent Office.

§ 202.15 MOTION PICTURES (CLASSES L–M).

A single application Form L–M is available for registration of works in Classes L (Motion-picture photoplays) and M (Motion pictures other than photoplays).

(a) *Photoplays (Class L).* This class includes published or unpublished motion pictures that are dramatic in character and tell a connected story, such as feature films, filmed television plays, short subjects and animated cartoons having a plot.

(b) *Other than photoplays (Class M).* This class includes published or unpublished nondramatic films such as newsreels, travelogs, training or promotional films, nature studies, and filmed television programs having no plot.

§202.16 DEPOSIT OF PHOTOGRAPHS OR OTHER IDENTIFYING REPRODUCTIONS IN LIEU OF COPIES.

(a) *Availability of option.* In the case of a published work which is reproduced in copies for sale, classified in Classes (g), (h), (i), and (k) of section 5, title 17, U.S. Code, copies of which are considered by the Register of Copyrights to be impracticable of deposit because of their size, weight, fragility, or monetary value, photographs or other identifying reproductions may be deposited in lieu of copies as provided by section 13, title 17, U.S. Code. The deposit of such photographs or reproductions shall be made in accordance with the following criteria:

(1) The number of sets of photographs or of reproductions to be submitted shall be the same as the number of copies provided by said section 13; duplicate sets shall be deposited unless the work is by a foreign author and has been published in a foreign country. Each set shall consist of as many photographs or reproductions in black and white, or in color, as are necessary to identify the work.

(2) All photographs or reproductions shall be of equal size, not less than 5 x 7 inches, and not exceeding 9 x 12 inches, but preferably 8 x 10 inches. The image of the work shown in all photographs or reproductions shall either be lifesize or larger, or if less than lifesize shall be at least 4 inches in its greatest dimension. The exact measurement of at least one dimension of the

work shall be indicated on at least one corresponding photograph or reproduction in each set.

(3) The copyright notice and its position on the work must be clearly shown on at least one corresponding photograph or reproduction in each set. If, because of the size or location of the copyright notice, a photographic reproduction cannot be prepared, a drawing may be included in each set, of the same size as the photographs or reproductions, showing the exact appearance of the notice, its dimensions, and its specific position on the work.

(4) The title of the work shall appear on the front or back of each photograph or reproduction.

(5) A copy shall be considered to be impracticable of deposit if, because of its size, weight, fragility or monetary value, it is unsuited to the filing procedures of the Copyright Office.

(b) *Exceptions.* The provisions of this section, permitting the deposit of photographs in lieu of copies in certain cases, shall not apply to fine prints and two-dimensional art reproductions. The Register of Copyrights reserves the right in any other particular case to require as a condition precedent to registration, the deposit of copies of the work as published.

§202.17 RENEWALS.

(a) Claims to renewal copyright must be registered within the last (28th) year of the original copyright term. The original term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(b) Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

§ 202.18 NOTICES OF USE.

Notices of use of copyrighted musical compositions on mechanical instruments, required by section 1(e) of title 17, U.S. Code, will be recorded upon receipt of a properly executed Form U and upon payment of the prescribed fees. Notices of intention to use will be received pursuant to section 101(e) of title 17, U.S. Code; no special form is provided therefor.

INDEX

A

Abridgments (sec. 7), p. 5.
Actions. *See* Court proceedings; Infringement of copyright.
Ad interim copyright:
  Duration and extension (secs. 9b, 9c), pp. 6, 7; (secs. 22, 23), pp. 12, 13.
  Procedure for securing (sec. 22), p. 12.
  Provisions concerning publication with notice (sec. 10), p. 8; (sec. 16), p. 10; (sec. 23), p. 13.
  Time for taking action (secs. 22, 23), pp. 12, 13; (sec. 216), p. 26.
Adaptation of music (sec. 1b), p. 2.
Adaptations, in general (sec. 7), p. 5.
Address of claimant (sec. 209), p. 23.
Addresses. *See* Lectures and similar productions prepared for oral delivery.
Administrators of author or proprietor may secure copyright (sec. 9), p. 6.
Affidavit of American manufacture (sec. 9c), p. 7; (secs. 17, 18), p. 11.
Alien author may secure copyright, conditions (sec. 9), p. 6.
Anonymous works (sec. 24), p. 13.
Applications for registration:
  Listed (inside front cover).
  Shall specify class (sec. 5), p. 4.
Arrangements:
  In general (sec. 7), p. 5.
  Of music (sec. 1b), p. 2; (sec. 1e), p. 3.
Art, works of:
  Copyright notice. *See* Notice of copyright.
  Copyrightable (sec. 5), p. 4.
  Damages (sec. 101b), p. 15.
  Exclusive rights (secs. 1a, 1b), p. 2.
  Published (sec. 13), p. 9.
  Unpublished (sec. 12), p. 8.
Assignment of copyright:
  Certified copies supplied (sec. 31), p. 14.
  Distinct from sale of copyrighted object (sec. 27), p. 14.
  Fees (sec. 215), p. 25.
  Foreign, acknowledgment before U.S. officer (sec. 29), p. 14.
  In writing (sec. 28), p. 14.
  Recordation, foreign and domestic (sec. 30), p. 14; (sec. 216), p. 26.
  Substitution of assignee's name in notice (sec. 32), p. 15.
Assigns may secure copyright (sec. 9), p. 6.
Assistant Register of Copyrights. *See* Register of Copyrights.
Attorney's fee allowed in copyright suits (sec. 1e), p. 3; (sec. 116), p. 21.
Author:
  All writings included (sec. 4), p. 4.
  Common-law right (sec. 2), p. 4.
  Destruction of articles deposited (sec. 214), p. 25.

Employment for hire (sec. 26), p. 14.
May secure copyright (sec. 9), p. 6; (sec. 22), p. 12; (sec. 24), p. 13.

B

Bequests (sec. 28), p. 14.
Binding of books (secs. 16, 17), pp. 10, 11.
Blind, works for the:
Exemption from American manufacture (sec. 16), p. 10.
Importation (sec. 107a), p. 18.
Books:
Affidavit of manufacture (secs. 17, 18), p. 11.
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Damages (sec. 1c), p. 2; (sec. 101b), p. 15.
Deposit of copies (sec. 13), p. 9.
Exclusive rights (secs. 1a–1c), p. 2.
Importation prohibited, with exceptions (sec. 107), p. 18.
Manufacturing requirements (sec. 16), p. 10.
Performing rights (sec. 1c), p. 2.
Published abroad in English language (sec. 22), p. 12.
Recording rights (sec. 1c), p. 2.
Volumes published and deposited at same time (sec. 215), p. 25.

C

Canal Zone, applicability of U.S. copyright laws in, p. 40.
Catalog of Copyright Entries:
Distribution and subscriptions (sec. 211), p. 24.
Listed (inside back cover).
Notice of destruction of deposits (sec. 214), p. 25.
Prima facie evidence (sec. 210), p. 23.
Printed for each class (sec. 210), p. 23.
Certificate of registration:
Fee for additional (sec. 215), p. 25.
Form to be prepared by Register of Copyrights (sec. 209), p. 23.
Prima facie evidence (sec. 209), p. 23.
To be issued (sec. 6), p. 5; (sec. 11), p. 8.
Charitable or educational performances of music (sec. 104), p. 17.
Children of author may secure renewal copyright (sec. 24), p. 13.
Citizenship of author (sec. 9), p. 6; (sec. 209), p. 23.
Claim of copyright to accompany deposit (secs. 12, 13), pp. 8, 9.
Claimant of copyright. *See* Proprietor.
Classification of works (sec. 5), p. 4.
Code of Federal Regulations, title 37, chapter II, p. 61.
Coin-operated machines, reproduction of music upon (sec. 1e), p. 3.
Commercial prints and labels. *See* Prints and pictorial illustrations.
Common-law right (sec. 2), p. 4.
Compilations (sec. 7), p. 5.
Component parts protected (sec. 3), p. 4.
Composer. *See* Author.
Composite works (secs. 3, 5), p. 4.

Contributions to periodicals. *See* Periodicals.
Copyright claimant. *See* Proprietor.
Copyright deposits. *See* Deposit of copies.
Copyright distinct from property in material object (sec. 27), p. 14.
Copyright, duration of (secs. 22–24), pp. 12, 13.
Copyright fees (sec. 6), p. 5; (sec. 215), p. 25.
Copyright law revision, reports (inside back cover).
Copyright notice. *See* Notice of copyright.
Copyright Office. *See* Register of Copyrights.
Copyright owner. *See* Proprietor.
Copyright records:
    Control and preservation of (sec. 201), p. 21.
    Inspection and copying of (sec. 212), p. 24.
    Record books to be kept (sec. 208), p. 23.
Copyright registration. *See* Registration of copyright claim.
Court proceedings:
    See also Evidence, prima facie; Infringement of copyright.
    Appeal allowed (sec. 114), p. 21.
    Costs and attorney's fees (sec. 1e), p. 3; (sec. 116), p. 21.
    Damages and profits (sec. 1c), p. 2; (sec. 101b), p. 15.
    Decisions involving copyright, Bulletins listed (inside back cover).
    Deposit of copies, condition precedent to (sec. 13), p. 9.
    Injunction may be granted (sec. 112), p. 20.
    Jurisdiction, pp. 33–35.
    Limitations (sec. 115), p. 21.
    Supreme Court of the U.S., rules and regulations for practice and procedure, pp. 36–39.
Cyclopedic works (sec. 5), p. 4.

D

Damages for infringement. *See* Court proceedings; Infringement of copyright; Penalties.
Date of publication, definition (sec. 26), p. 14.
Deposit of copies:
    Failure to deposit (sec. 14), p. 9.
    Foreign book in English language (sec. 9b), p. 6; (sec. 22), p. 12.
    Provisions for disposition or destruction (secs. 213, 214), pp. 24, 25.
    Published works (sec. 13), p. 9.
    Receipt from Copyright Office (sec. 209), p. 23.
    Receipt from postmaster (sec. 15), p. 10.
    Universal Copyright Convention (sec. 9c), p. 7.
    Unpublished works (sec. 12), p. 8.
Designs for works of art. *See* Art, works of.
Domicile of author (sec. 9), p. 6; (sec. 209), p. 23.
Dramatic and dramatico-musical compositions:
    Copyright notice. *See* Notice of copyright.
    Copyrightable (sec. 5), p. 4.
    Damages (sec. 101b), p. 15.
    Exclusive rights (secs. 1a, 1d), pp. 2, 3.
    Published (sec. 13), p. 9.
    Unpublished (sec. 12), p. 8.

Dramatization (sec. 1b), p. 2; (sec. 7), p. 5.
Drawings and plastic works of a scientific or technical character:
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Exclusive rights (sec. 1a), p. 2.
Published (sec. 13), p. 9.
Unpublished (sec. 12), p. 8.
Duration of copyright:
Extended in certain cases, pp. 31–32.
General provisions (secs. 22–24), pp. 12, 13.

E

Employer in case of works made for hire (sec. 26), p. 14.
English language, books in, published abroad (sec. 16), p. 10; (sec. 22), p. 12.
Engravings. *See* Prints and pictorial illustrations.
Evidence, prima facie:
See also Court proceedings.
Catalog of Copyright Entries (sec. 210), p. 23.
Certificate of acknowledgment, assignment executed abroad (sec. 29), p. 14.
Certificate of registration (sec. 209), p. 23.
Exclusive rights of copyright proprietor (sec. 1), p. 2.
See also Court proceedings; Notice of copyright; Registration of copyright claim.
Executor of author (sec. 9), p. 6; (sec. 24), p. 13.

F

Failure to deposit copies (sec. 14), p. 9.
False affidavit, penalty (sec. 18), p. 11.
False notice of copyright. *See* Notice of copyright.
Fees:
Catalog of Copyright Entries (sec. 210), p. 23.
For services rendered in Copyright Office (sec. 6), p. 5; (sec. 215), p. 25.
Fine arts. *See* Art, works of.
Foreign author or proprietor (sec. 9), p. 6.
Forfeiture of copyright:
For failure to deposit copies (sec. 14), p. 9.
For false affidavit of American manufacture (sec. 18), p. 11.
Fraudulent notice of copyright (secs. 105, 106), p. 18.
Free transmission of deposits through the mails (sec. 15), p. 10.

G

Government publications (sec. 8), p. 5.
Governmental libraries, transfer of deposits to (sec. 213), p. 24.
Guam, applicability of U.S. copyright laws in, p. 40.

H

Hire, works made for (sec. 26), p. 14.

I

Illustrations. *See* Prints and pictorial illustrations.
Importation:
Articles bearing false notice (secs. 105, 106), p. 18.
Books, newspapers, magazines (sec. 107), p. 18.
During ad interim copyright term (sec. 16), p. 10.
Exceptions to prohibition (sec. 107), p. 18.
Forfeiture and destruction or return of articles prohibited importation (sec. 108), p. 19.
Piratical copies (secs. 106, 107), p. 18.
Secretary of the Treasury and Postmaster General to make rules (sec. 109), p. 20.
Index of copyright registrations (sec. 210), p. 23.
Infringement of copyright:
See also Court proceedings.
Attorney's fees (sec. 116), p. 21.
By broadcast (sec. 1c), p. 2.
Damages and profits (sec. 1c), p. 2; (sec. 101b), p. 15.
Deposit of copies, a condition precedent to infringement proceedings (sec. 13), p. 9.
Innocent infringer (sec. 1c), p. 2; (sec. 21), p. 12.
Mechanical reproduction of music (sec. 1e), p. 3; (sec. 101e), p. 17.
Omission of notice (sec. 21), p. 12.
Remedies for (sec. 101), p. 15.
Willful infringement (sec. 104), p. 17.
Injunction:
Effect of omission of notice of copyright (sec. 21), p. 12.
For infringement (sec. 101a), p. 15.
In case of mechanical reproduction of music (sec. 101e), p. 17.
Service and enforcement (secs. 112, 113), p. 20.
Interim copyright. *See* Ad interim copyright.
International copyright relations:
Berne Conventions, p. 42.
Bilateral arrangements, p. 42.
Buenos Aires Convention, p. 42.
Foreign author or proprietor (sec. 9), p. 6.
Mechanical music instruments (sec. 1e), p. 3.
Universal Copyright Convention:
Statement concerning, p. 42.
Text of, pp. 43–55.

J

Juke-box. *See* Coin-operated machines.

L

Labels and prints. *See* Prints and pictorial illustrations.
Lectures and similar productions prepared for oral delivery:
Copyrightable (sec. 5), p. 4.
Damages (sec. 1c), p. 2; (sec. 101b), p. 15.

Exclusive rights (secs. 1a, 1c), p. 2.
Performing rights (sec. 1c), p. 2.
Published. *See* Books.
Recording rights (sec. 1c), p. 2.
Unpublished (sec. 12), p. 8.
Librarian of Congress:
Annual report of Register of Copyrights to (sec. 205), p. 22.
Disposition and destruction of articles deposited (secs. 213, 214), pp. 24, 25.
Monthly report of copyright fees to (sec. 203), p. 22.
Preservation of records in Copyright Office (sec. 201), p. 21.
Regulations for public inspection of records and deposits (sec. 212), p. 24.
Rules and regulations for registration (sec. 207), p. 23.
To appoint Register and Assistant Register (sec. 202), p. 22.
Library of Congress, transfer of deposits to (sec. 213), p. 24.
License for mechanical reproduction of music (sec. 1e), p. 3; (sec. 101e), p. 17.
Limitations for criminal proceedings and civil actions (sec. 115), p. 21.
Literary works, nondramatic (secs. 1b, 1c), p. 2.
Lithographs and lithographic process, manufacturing requirements and exceptions (secs. 16, 17), pp. 10, 11.
See also Prints and pictorial illustrations.

M

Magazines. *See* Periodicals.
Mails, free transmission of deposits through the (sec. 15), p. 10.
Manufacturing requirements:
Affidavit (sec. 9c), p. 7; (sec. 17), p. 11.
Importation of books not produced in accordance with (sec. 9c), p. 7; (sec. 107), p. 18.
Provisions and exceptions (sec. 9c), p. 7; (sec. 16), p. 10.
Manuscripts. *See* Unpublished works.
Maps:
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Exclusive rights (sec. 1a), p. 2.
Mechanical reproduction of music:
Coin-operated machines (sec. 1e), p. 3.
Foreign authors, reciprocal rights (sec. 1e), p. 3; (sec. 9c), p. 7.
Monthly report on parts manufactured (sec. 1e), p. 3.
Notice of use and user (sec. 1e), p. 3; (sec. 101e), p. 17.
Royalties (sec. 1e), p. 3; (sec. 101e), p. 17.
Models for works of art. *See* Art, works of.
Mortgages (sec. 28), p. 14.
Motion pictures:
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Damages (sec. 101b), p. 15.
Exclusive rights (sec. 1), p. 2.
Published (sec. 13), p. 9.
Unpublished (sec. 12), p. 8.

Musical compositions:
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Damages (sec. 101b), p. 14; (sec. 101e), p. 17.
Exclusive rights (sec. 1), p. 2.
Performing rights (sec. 1e), p. 3; (sec. 104), p. 17.
Published (sec. 13), p. 9.
Unpublished (sec. 12), p. 8.

N

Nationality of author (sec. 9), p. 6; (sec. 209), p. 23.
New versions (sec. 1), p. 2; (sec. 7), p. 5.
Newspapers. *See* Periodicals.
Next of kin of author may secure renewal copyright (sec. 24), p. 13.
Nondramatic literary works (secs. 1b, 1c), p. 2.
Notice of copyright:
Books seeking ad interim copyright protection (sec. 10), p. 8; (sec. 16), p. 10; (sec. 23), p. 13.
Forms and positions prescribed (sec. 9c), p. 7; (secs. 19, 20), pp. 11, 12.
Fraudulent or false notice (secs. 105, 106), p. 18.
Omission (sec. 21), p. 12.
One notice in each volume or number of a periodical (sec. 20), p. 12.
Publication with notice (sec. 10), p. 8.
Removal or alteration (sec. 105), p. 18.
Substitution of assignee's name for assignor's (sec. 32), p. 15.
Universal Copyright Convention (sec. 9c), p. 7.
Notice of use of musical work for mechanical reproductions. *See* Mechanical reproduction of music.

O

Oral delivery of lectures, etc. *See* Lectures and similar productions prepared for oral delivery.
Oratorios and other choral works performed for charitable and educational purposes (sec. 104), p. 17.

P

Paintings. *See* Art, works of.
Penalties:
Damages and profits (sec. 1c), p. 2; (sec. 1e), p. 3; (sec. 101b), p. 15.
Failure to deposit copies (sec. 14), p. 9.
False affidavit of American manufacture (sec. 18), p. 11.
Fraudulent notice of copyright, or removal or alteration of notice (sec. 105), p. 18.
Willful infringement (sec. 104), p. 17.
Performing rights:
Dramatic compositions (sec. 1d), p. 3.
Lectures or similar productions (sec. 1c), p. 2.
Musical compositions (sec. 1e), p. 3; (sec. 104), p. 17.
Nondramatic literary works (sec. 1c), p. 2.

Periodicals:
Copyright in separate parts (sec. 3), p. 4.
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Deposit of copies including contributions to periodicals (sec. 13), p. 9.
Exclusive rights (secs. 1a, 1c), p. 2.
Foreign importation (sec. 107b), p. 18.
Manufacturing requirements (sec. 16), p. 10.
Photoengravings and photoengraving process, manufacturing requirements and exceptions (secs. 16, 17), pp. 10, 11.
See also Prints and pictorial illustrations.
Photographs:
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Damages, newspaper reproduction (sec. 101b), p. 15.
Exclusive rights (sec. 1a), p. 2.
Published (sec. 13), p. 9.
Unpublished (sec. 12), p. 8.
Photoplays. *See* Motion pictures.
Pictorial illustrations. *See* Prints and pictorial illustrations.
Piratical copies, prohibition of importation (secs. 106, 107), p. 18.
Plastic works. *See* Drawings and plastic works of a scientific or technical character.
Plays. *See* Dramatic and dramatico-musical compositions.
Posthumous works (sec. 24), p. 13.
Postmaster General:
May secure copyright on behalf of U.S. in certain works (sec. 8), p. 5.
To make rules and regulations to prevent importation of prohibited articles (sec. 109), p. 20.
To prepare lists for distribution of Catalog of Copyright Entries to postmasters (sec. 211), p. 24.
Postmaster shall mail deposits without cost and give receipt (sec. 15), p. 10.
Presidential proclamations establishing reciprocity, basis for (sec. 9), p. 6.
Prima facie evidence. *See* Evidence, prima facie.
Prints and pictorial illustrations, including commercial prints and labels:
Copyright notice. *See* Notice of copyright.
Copyrightable (sec. 5), p. 4.
Deposit of copies (secs. 12, 13), pp. 8, 9.
Exclusive rights (sec. 1a), p. 2.
Manufacturing requirements and exceptions (sec. 16), p. 10.
Proceedings, court. *See* Court proceedings.
Proclamations establishing reciprocity (sec. 9), p. 6.
Profits resulting from infringement (sec. 101b), p. 15.
Proprietor:
Common-law right (sec. 2), p. 4.
Destruction of articles deposited (sec. 214), p. 25.
Employment for hire (sec. 26), p. 14.
Exclusive rights (sec. 1), p. 2.
Failure to deposit copies (sec. 14), p. 9.
May secure copyright (sec. 9), p. 6; (sec. 22), p. 12; (secs. 24, 25), p. 13.

Mechanical reproduction of music (sec. 1e), p. 3; (sec. 101e), p. 17.
Not exempt from deposit of copies (sec. 12), p. 8.
Notice of copyright (sec. 19), p. 11.
Protection of component parts of work copyrighted (sec. 3), p. 4.
Pseudonymous works (sec. 24), p. 13.
Public documents. *See* Government publications.
Public domain (secs. 7, 8), p. 5.
Public performance for profit. *See* Infringement of copyright; Performing rights.
Publication:
By U.S. Government (sec. 8), p. 5.
Date of, definition (sec. 26), p. 14.
With notice secures copyright (sec. 10), p. 8.
Puerto Rico, applicability of U.S. copyright laws in, p. 40.

R

Receipt for copies:
From Copyright Office (sec. 209), p. 23.
From postmaster (sec. 15), p. 10.
Reciprocity in copyright relations with foreign states and nations (sec. 9b), p. 6.
Record books in Copyright Office. *See* Copyright records.
Records and transcriptions:
Lectures or similar productions (sec. 1c), p. 2.
Nondramatic literary works (sec. 1c), p. 2.
Of drama (sec. 1d), p. 3.
Of musical work (sec. 1e), p. 3; (sec. 101e), p. 17.
Register of Copyrights:
Annual report (sec. 205), p. 22.
Appointment of Register of Copyrights and Assistant Register (sec. 202), p. 22.
Bond (sec. 204), p. 22.
Destruction of articles deposited (sec. 214), p. 25.
May require deposit of copies (sec. 14), p. 9.
Seal of Copyright Office (sec. 206), p. 22.
To control and preserve copyright records (sec. 201), p. 21.
To deposit moneys received and make report of fees (sec. 203), p. 22.
To determine price of Catalog of Copyright Entries (sec. 211), p. 24.
To issue certificate of registration (sec. 11), p. 8.
To make rules and regulations (sec. 207), p. 23; (sec. 212), p. 24.
To prepare form for certificate of registration (sec. 209), p. 23.
To print Catalog of Copyright Entries (sec. 210), p. 23.
To provide and keep record books (sec. 208), p. 23.
To receive fees (sec. 215), p. 25.
To record assignments (sec. 31), p. 14.
Registration of copyright claim:
Application for (sec. 5), p. 4.
Certificate admitted as prima facie evidence (sec. 209), p. 23.
Claimant of copyright entitled to certificate of (sec. 11), p. 8; (sec. 209), p. 23.

Condition precedent to suit for infringement (sec. 13), p. 9.
Fees (sec. 215), p. 25.
Proprietor may obtain (sec. 11), p. 8.
Published works, deposit of copies (sec. 13), p. 9.
Register of Copyrights to make rules for (sec. 207), p. 23.
Renewal copyright (sec. 24), p. 13.
Unpublished works, deposit of copies (sec. 12), p. 8.
Regulations of the Copyright Office, p. 61.
Remedies for infringement. *See* Infringement of copyright.
Renewal copyright:
Author, if living, or widow, widower, children, executors, or next of kin (sec. 24), p. 13.
Duration and procedure to secure (secs. 24, 25), p. 13.
Duration of copyright, extended in certain cases, pp. 31–32.
Extension of time for filing (sec. 9b), p. 6; (sec. 216), p. 26.
Fee (sec. 215), p. 25.
Proprietor, when entitled to renew (secs. 24, 25), p. 13.
Reproduction of music. *See* Mechanical reproduction of music.
Reproductions of works of art. *See* Art, works of.
Revisions. *See* New versions.
Rights secured. *See* Exclusive rights of copyright proprietor.
Royalties for mechanical reproduction of music (sec. 1e), p. 3; (sec. 101e), p. 17.
Rules and regulations:
For prohibition of importation (sec. 109), p. 20.
For registration of claims to copyright (sec. 207), p. 23.
Public inspection of the records and deposits (sec. 212), p. 24.
Regulations of the Copyright Office, p. 56.
Supreme Court of the U.S., rules for practice and procedure, pp. 36–39.

S

Scientific drawings or plastic works. *See* Drawings and plastic works of a scientific or technical character.
Sculpture. *See* Art, works of.
Seal of Copyright Office (sec. 206), p. 22.
Search fee (sec. 215), p. 25.
Secretary of the Treasury:
Bond of the Register of Copyrights (sec. 204), p. 22.
Deposit of moneys received (sec. 203), p. 22.
To direct destruction of unlawfully imported articles (sec. 108), p. 19.
To make rules and regulations relating to importation (sec. 109), p. 20.
To prepare lists for distribution of Catalog of Copyright Entries to collectors of customs (sec. 211), p. 24.
Sermons. *See* Lectures and similar productions prepared for oral delivery.
Statues. *See* Art, works of.
Subject matter of copyright (secs. 4–8), pp. 4, 5.
Suits. *See* Court proceedings; Infringement of copyright.
Superintendent of Documents (sec. 211), p. 24.
Supreme Court of the U.S., rules and regulations for practice and procedure, pp. 36–39.

T

Technical drawings or plastic works. *See* Drawings and plastic works of a scientific or technical character.
Terms of copyright (secs. 22–24), pp. 12, 13.
Time for taking action:
Ad interim copyright (secs. 22, 23), pp. 12, 13; (sec. 216), p. 26.
Assignments, recordation (sec. 30), p. 14; (sec. 216), p. 26.
Renewal copyright (secs. 24, 25), p. 13; (sec. 216), p. 26.
Transcriptions. *See* Records and transcriptions.
Transfer of copyright. *See* Assignment of copyright.
Translations (sec. 1b), p. 2; (sec. 7), p. 5.
Treasury, Department of. *See* Secretary of the Treasury.
Typesetting. *See* Manufacturing requirements.

U

United States Code:
Title 17, pp. 1–26.
Pertinent sections of Title 28, pp. 33–35.
Universal Copyright Convention:
Statement concerning, p. 42.
Text of, pp. 43–55.
U.S. law (sec. 9c), p. 7.
Unpublished works:
Common-law right (sec. 2), p. 4.
Deposit of copies (sec. 12), p. 8.
Destruction of (sec. 214), p. 25.

V

Virgin Islands, applicability of U.S. copyright laws in, p. 40.

W

Widow or widower of author may secure renewal copyright (sec. 24), p. 13.
Works of art. *See* Art, works of.
Writings of an author, subject-matter of copyright (sec. 4), p. 4.

U.S. GOVERNMENT PRINTING OFFICE: 1969 O—347–128